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प्राधिकार से प्रकाशित
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सं. 01] नई दिल्ली, जनवरी 12—जनवरी—18, 2025, शनिवार/ पौष 22—पौष 28, 1946
No. 01] NEW DELHI, JANUARY 12—JANUARY—18, 2025, SATURDAY/PAUSHA 22—PAUSHA 28, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 13 जनवरी, 2025

का.आ. 1.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, जनवरी 13, 2024 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशन/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री पंकज भौर्याल, सहायक अनुभाग अधिकारी	भारतीय दूतावास, पेरिस

2	श्री निखिल दास ,वैक्तिक सहायक	भारत के प्रधान कौंसलावास, सेंट –डेनिस
3	श्री सुजीत कुमार सिंह, सहायक अनुभाग अधिकारी	भारतीय दूतावास, बर्न

[फा. सं. टी. 4330/01/2025(01)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 13th January, 2025

S.O. 1.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from January 13, 2024:

Sl. No	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Pankaj Bhouryal, Assistant Section Officer	Embassy of India, Paris
2	Mr. Nikhil Das, Personal Assistant	Consulate General of India, Saint Denis
3	Mr. Sujeet Kumar Singh, Assistant Section Officer	Embassy of India, Berne

[F. No. T. 4330/01/2025(01)]

S.R.H FAHMI, Director (CPV-I)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 6 दिसम्बर, 2024

का.आ. 2.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना संख्या 9/सी.बी.आई.-80-03/2024 एचपी-7903/पटना, दिनांक 16.07.2024 और शुद्धिपत्र अधिसूचना संख्या 9/ सी.बी.आई.-80-03/2024 एचपी13292/पटना, दिनांक 14.11.2024, गृह विभाग के माध्यम से जारी बिहार सरकार की सम्मति से 5 मई 2024 को आयोजित नीट (यूजी) 2024 परीक्षा में हुई अनियमितताओं के संबंध में मधुबनी थाना, पूर्णिया जिला, बिहार में भारतीय दंड संहिता की धारा 419/ 420/ 467 /468 /34 के तहत दर्ज की गई एफआईआर संख्या 25/24 तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण/ निगरानी और जांच करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त बिहार और मामले से संबंधित अन्य स्थानों में करती है।

[फा. सं. 228/100/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department Of Personnel And Training)

New Delhi, the 6th December, 2024

S.O. 2.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the State Government of Bihar, issued vide Notification No.9/C.B.I-80-03/2024 HP-7903/ Patna, Dated 16.07.2024 and Corrigendum Notification No. 9/C.B.I-80-03/2024 HP13292/ Patna, Dated 14.11.2024, Home Department, hereby extends the powers and jurisdiction to the whole of Bihar and other places related to the Case to members of the Delhi Special Police Establishment to investigate/supervise and inquire into the FIR No. 25/24, registered at Madhubani

Police Station under Purnia District, Bihar, under sections 419/ 420/ 467/ 468/ 34 of IPC, which relates to irregularities in NEET (UG) 2024 examination held on 5th May 2024 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/100/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 6 दिसम्बर, 2024

का.आ. 3.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस.सं.79 दिनांक 19.11.2024, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से राजीव गांधी अंतर्राष्ट्रीय हवाई अड्डा (आरजीआईए), हैदराबाद के सीमा शुल्क विभाग के कर्मचारियों के विरुद्ध केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, हैदराबाद को श्री मोहम्मद मुल्तानी, पुत्र अब्दुल अजीज मोहम्मद, निवासी नारायण खेड़, संगारेड्डी, तेलंगाना से प्राप्त हुई दिनांक 15.10.2024 की ई-मेल शिकायत तथा शिकायतकर्ता द्वारा दर्ज कराई गई दिनांक 16.10.2024 की शिकायत में उल्लिखित आरोपों सहित 1) श्री विनय कुमार, निरीक्षक, सीमा शुल्क विभाग, आरजीआईए, हैदराबाद 2) श्री मुकेश कुमार, निरीक्षक, सीमा शुल्क विभाग, आरजीआईए, हैदराबाद 3) श्री बी. संतोष कुमार, केनरा बैंक सीमा शुल्क संग्रह केन्द्र, आरजीआईए, हैदराबाद 4) अज्ञात लोक सेवकों एवं अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) (2018 में यथासंशोधित) की धारा 7 (ए), भारतीय न्याय संहिता, 2023 की धारा 61 के अंतर्गत दंडनीय अपराध तथा उक्त मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध सहित ऐसे एक या उससे अधिक अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध एवं दिनांक 15.10.2024 की ई-मेल शिकायत तथा शिकायतकर्ता द्वारा दर्ज कराई गई दिनांक 16.10.2024 की शिकायत के आधार पर अन्य संचयी अपराधों में नियमित मामला/अन्वेषण का संचालन करने के लिए जी.ओ.एमएस.सं.51, गृह (विशेष) विभाग, दिनांक 30.08.2022 में जारी आदेशों में रियायत देते हुए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/101/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 6th December, 2024

S.O. 3.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the Government of Telangana, issued vide Notification No. G.O.Ms.No.79 dated 19.11.2024, Home (Special) Department, hereby extends the powers and jurisdiction of all the members of the Delhi Special Police Establishment in the whole of the State of Telangana for conducting regular case/investigation into allegations mentioned in email complaint dated 15.10.2024 and complaint dated 16.10.2024 lodged by the complainant received by CBI, ACB, Hyderabad from Shri Mohammed Multani, S/o Abdul Aziz Mohammed, R/o Narayankhed, Sangareddy, Telangana against Officials of Customs Department in Rajiv Gandhi International Airport (RGIA), Hyderabad including regular case/investigation into any other offence that may come to light during the investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any offence committed in the course of such transaction or arising out of the same facts against 1) Shri Vinay Kumar, Inspector of Customs Department, RGIA, Hyderabad, 2) Shri Mukesh Kumar, Inspector of Customs Department, RGIA, Hyderabad, 3) Shri B.Santosh Kumar, Officer, Canara Bank Customs Duty Collection Counter, RGIA, Hyderabad, 4) Unknown Public Servants and Unknown

Private Persons punishable under section 7 (a) of the Prevention of Corruption Act, 1988 (Act No.49 of 1988) (as amended in 2018), Sec. 61 of the Bharatiya Nyaya Sanhita, 2023 & other cumulative offences on the basis of email complaint dated 15.10.2024 and complaint dated 16.10.2024 lodged by the complainant, in relaxation of the orders issued in G.O.Ms.No.51, Home (Special) Department, dated 30.08.2022.

[F. No. 228/101/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 11 दिसम्बर, 2024

का.आ. 4.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को विनिर्दिष्ट करती है, जिनका अन्वेषण भी दिल्ली विशेष पुलिस स्थापन के सदस्यों द्वारा किया जाना है, नामतः :-

- (क) “छत्तीसगढ़ जुआ (प्रतिषेध) अधिनियम 2022 (2023 का अधिनियम सं. 4)” के अंतर्गत दंडनीय अपराध।
- (ख) “सार्वजनिक जुआ अधिनियम, 1867 यथासंशोधित सार्वजनिक जुआ (मध्य प्रदेश संशोधन) अधिनियम, 1976 (1976 का अधिनियम सं. 47)” के अंतर्गत दंडनीय अपराध।
- (ग) उपर्युक्त अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध।

[फा. सं. 228/76/2024-एवीडी-II/1]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 11th December, 2024

S.O. 4.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, namely :-

- (a) Offences punishable under “The Chhattisgarh Gambling (Prohibition) Act, 2022 (Act No. 4 of 2023)”.
- (b) Offences punishable under “The Public Gambling Act, 1867 as amended as Public Gambling (Madhya Pradesh amendment) Act, 1976 (Act No. 47 of 1976)”.
- (c) Any attempt, abetment and/or conspiracy, in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/76/2024-AVD-II/1]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 11 दिसम्बर, 2024

का.आ. 5.—केन्द्र सरकार, एतद्द्वारा, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, छत्तीसगढ़ राज्य सरकार की दो अधिसूचनाओं, सं. एफ-4-156/गृह-सी/2024, दिनांक 22.08.2024 तथा सं. एफ-4-157/गृह-सी/2024, दिनांक 23.08.2024, गृह विभाग (सी-अनुभाग), मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर के अधिक्रमण में संशोधित अधिसूचना सं. एफ-4-156/गृह-सी/2024 दिनांक 04.10.2024, गृह (सी-अनुभाग) विभाग, मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर के माध्यम से जारी सम्मति से थाना, राज्य आर्थिक अपराध ब्यूरो, छत्तीसगढ़ रायपुर, छत्तीसगढ़ में भा.दं.सं. की धारा 420, 467, 468, 471, 201, 120वीं एवं भ्रष्टाचार निवारण अधिनियम, 1988 [यथासंशोधित भ्रष्टाचार निवारण (संशोधन) अधिनियम, 2018] की धारा 7, 7ए और छत्तीसगढ़ जुआ (प्रतिषेध) अधिनियम, 2022 की

धारा 4, 7, 8, 11 एवं सार्वजनिक द्युत अधिनियम, 1867 (यथासंशोधित सार्वजनिक द्युत (मध्य प्रदेश संशोधन) अधिनियम, 1976) की धारा 4 क के अंतर्गत दर्ज अपराध सं. 06/2024 का अन्वेषण करने तथा महादेव ऑनलाइन जुआ के संबंध में राज्य के विभिन्न थानों में दर्ज किए गए अन्वेषणाधीन निम्नलिखित 12 मामलों

रेंज रायपुर

क्रम सं.	जिला	थाना	अपराध सं./धारा	मामले की अद्यतन स्थिति
1	रायपुर	गंज	184/2024, भा.द.सं. की धारा 420, 120बी, जुआ अधिनियम की धारा 4(क) तथा छत्तीसगढ़ जुआ (प्रतिषेध) अधिनियम, 2022 की धारा 07, आईटी अधिनियम की धारा 66सी और तार अधिनियम, 1885 की धारा 25 (सी)	फरार आरोपियों का पता एवं तलाश अन्वेषण के अधीन
2	रायपुर	गंज	188/2024, भा.द.सं. की धारा 420, 120बी, जुआ अधिनियम की धारा 4(क) तथा छत्तीसगढ़ जुआ (प्रतिषेध) अधिनियम, 2022 की धारा 07, आईटी अधिनियम की धारा 66सी, तार अधिनियम, 1885 की धारा 25 (सी)	फरार आरोपियों का पता एवं तलाश अन्वेषण के अधीन
3	रायपुर	गंज	181/2024, जुआ अधिनियम की धारा 07 तथा बीएनएस की जोड़ी गई धारा 318(4), 61(2), आईटी अधिनियम की धारा 66सी एवं भारतीय तार अधिनियम की धारा 25 (सी)	फरार आरोपियों का पता एवं तलाश अन्वेषण के अधीन
4	रायपुर	सिविल लाइन	390/23, जुआ अधिनियम, 2022 की धारा 7ए, 8	अन्वेषण के अधीन
5	रायपुर	टिकरापारा	05/2024, छत्तीसगढ़ जुआ अधिनियम, 2022 की धारा 4(क), 6, 7	अन्वेषण के अधीन

रेंज बिलासपुर

6	जांजगीर – चांपा	शिवरीनारायण	303/23, भा.द.सं. की धारा 420, 506बी, 34, 120बी, छत्तीसगढ़ जुआ प्रतिषेध अधिनियम की धारा 06, 07	अन्वेषण के अधीन
7	सक्ती	सक्ती	182/24, छत्तीसगढ़ जुआ प्रतिषेध अधिनियम की धारा 7	अन्वेषण के अधीन
8	सक्ती	सक्ती	197/24, छत्तीसगढ़ जुआ प्रतिषेध अधिनियम की धारा 7	अन्वेषण के अधीन
9	सक्ती	सक्ती	226/24, छत्तीसगढ़ जुआ प्रतिषेध अधिनियम की धारा 7	अन्वेषण के अधीन

रेंज सरगुजा

10	सूरजपुर	सूरजपुर	267/23, जुआ अधिनियम की धारा 11	अन्वेषण के अधीन
11	सूरजपुर	सूरजपुर	268/23, जुआ अधिनियम की धारा 11	अन्वेषण के अधीन

12	सूरजपुर	सूरजपुर	90/23, छत्तीसगढ़ जुआ प्रतिषेध अधिनियम, 2022 की धारा 6, 7	अन्वेषण के अधीन
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तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का का केन्द्रीय अन्वेषण ब्यूरो द्वारा अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त छत्तीसगढ़ में करती है।

[फा. सं. 228/76/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 11th December, 2024

S.O. 5.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the State Government of Chhattisgarh, issued vide Amended Notification No. F-4-156/Home-C/2024 dated 04.10.2024, Home (C-Section) Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar in supersession of both the notifications No. F-4-156/Home-C/2024:: dated 22.08.2024 and No. F-4-157/Home-C/2024:: dated 23.08.2024 Home Department (C-Section), Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar hereby extends the powers and jurisdiction to the whole of Chhattisgarh to the members of Delhi Special Police Establishment for the investigation of the Case Crime No. 06/2024 of the Police Station, State Economic Offence Bureau, Chhattisgarh Raipur, Chhattisgarh u/s 420, 467, 468, 471, 201, 120B IPC and section 7, 7A of PC Act, 1988 [As amended by PC (Amendment) Act, 2018] and u/s 4,7,8,11 of Chhattisgarh Gambling (Prohibition) Act, 2022 and u/s 4 A of Public Gambling Act, 1867 (as amended Public Gambling (Madhya Pradesh Amendment) Act, 1976) and for the investigation of the following 12 cases by CBI, lodged in connection with Mahadev Online Gambling in various police stations of the state that are under investigation.

Range Raipur

Sr. No.	District	Police Station	Crime No./Section	Updated status of the case
1.	Raipur	Ganj	184/2024 Section 420, 120B IPC, Section 4(A) Gambling Act and Section 07 of Chhattisgarh Gambling Prohibition Act, 2022, Section 66 C of IT Act and section 25 (c) of Telegraph Act, 1885	Location and Search for the absconding accused under Investigation.
2.	Raipur	Ganj	188/2024 Section 420, 120B IPC, Sec 4(A) Gambling Act and Section 07 of Chhattisgarh Gambling Prohibition Act, 2022, Section 66 C of IT Act and section 25 (c) of Telegraph Act, 1885	Location and Search for the absconding accused under Investigation.
3.	Raipur	Ganj	181/2024 Section 07 of Gambling Act, and added section 318(4), 61(2) of BNS, Section 66 C of IT Act and Section 25(c) of Indian Telegraph Act	Location and Search for the absconding accused under Investigation.
4.	Raipur	Civil Line	390/23, Section 7A, 8 of Gambling Act, 2022	Under Investigation.
5.	Raipur	Tikrapara	05/2024, Section 4(A), 6, 7, Chhattisgarh Gambling Act, 2022	Under investigation.

Range Bilaspur

6.	Janjgir Champa	Shivri Narayan	303/23, Section 420, 506B, 34, 120B of IPC, Section 06, 07 of Chhattisgarh Gambling Prohibition Act.	Under investigation.
7.	Sakti	Sakti	182/24, Section 7 Chhattisgarh Gambling Prohibition Act.	Under investigation.
8.	Sakti	Sakti	197/24, Section 7 Chhattisgarh Gambling Prohibition Act.	Under investigation.
9.	Sakti	Sakti	226/24, Section 7 Chhattisgarh Gambling Prohibition Act.	Under investigation.

Range Sarguja				
10.	Surajpur	Surajpur	267/23, Section 11 Gambling Act	Under investigation.
11.	Surajpur	Surajpur	268/23, Section 11 Gambling Act	Under investigation.
12.	Surajpur	Surajpur	90/23, Section 6, 7 Chhattisgarh Gambling Prohibition Act 2022	Under investigation.

and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/76/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 19 दिसम्बर, 2024

का.आ. 6.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना सं. 50311/गृह-सीपीएम-एमआईएससी-0102-2023/सीपीएंडएम, भुवनेश्वर, दिनांक 27.12.2023 और शुद्धिपत्र अधिसूचना सं. 40222/गृह-सीपीएम-एमआईएससी-0102-2023/सीपीएंडएम, भुवनेश्वर, दिनांक 30.10.2024, गृह विभाग के माध्यम से जारी ओडिशा राज्य सरकार की दिनांक 14.11.2021 से प्रभावी कार्योत्तर स्वीकृति से, जैसा कि केन्द्रीय अन्वेषण ब्यूरो, विशेष कार्य शाखा द्वारा सीबीआई, मामला सं. आरसी-059/2021/एस/0009/ सीबीआई /एसटीबी/नई दिल्ली के संबंध में अनुरोध किया गया था, अभियुक्त कुन्हु चरण बडत्या (मोबाइल नंबर: 7978788207 और 9692833199), निवासी पंडारा स्ट्रीट, ओल्ड ब्रह्मपुर, सदर, गंजम, ओडिशा-760009 द्वारा किए गए अपराध जोकि सूचना प्रौद्योगिकी अधिनियम, 2000 और लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 (पाँक्सो अधिनियम) के प्रावधानों के अंतर्गत दंडनीय हैं, का ओडिशा राज्य में अन्वेषण करने के लिए (दिनांक 14.11.2021 से कार्योत्तर प्रभाव से) दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार करती है।

आरोपों के अनुसार, श्री कुन्हु चरण बडत्या (मोबाइल नंबर: 7978788207 और 9692833199), निवासी पंडारा स्ट्रीट, ओल्ड ब्रह्मपुर, सदर, गंजम, ओडिशा-760009, तथा अन्य अभियुक्तों नामतः तविया अल्पेश उकाभाई पुत्र श्री उकाभाई, निवासी रंगपुर, बोटोद, भावनगर, गुजरात, श्री वाला चिरंजय कुमार मनुभाई पुत्र श्री मनुभाई, निवासी वादी विस्तार, गांव सोलाई तालुका, सुत्रपाड़ा, जिला गिर सोमनाथ, गुजरात-362275, श्री सत्यम सिंह निवासी मकान संख्या 1206, गली संख्या 3, बी ब्लॉक, बाबा कॉलोनी, बुराड़ी, सेंट्रल दिल्ली और कुछ अन्य (अज्ञात) व्यक्ति बाल अश्लील सामग्री साझा/प्रेषित करने के आशय से इलेक्ट्रॉनिक रूप में एक बालक को संलिप्त करने वाली अश्लील सामग्री संग्रहित करने/कब्जे में रखने, वाणिज्यिक उद्देश्य के लिए एक बालक को संलिप्त करने वाली अश्लील सामग्री को इलेक्ट्रॉनिक रूप में संग्रहित करने/कब्जे में रखने, इलेक्ट्रॉनिक रूप में अश्लील सामग्री प्रकाशित या प्रेषित करने और बालकों को अश्लील या अभद्र या यौन उत्तेजक रूप में दर्शाने आदि वाली सामग्री को इलेक्ट्रॉनिक रूप में एकत्र करने, खोजने, या ब्राउज़ करने में संलिप्त थे।

उपरोक्त तथ्य, प्रथम दृष्टया, सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 67 और 67बी तथा लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 की धारा 15 के तहत दंडनीय अपराधों का कारित होना उजागर करते हैं।

[फा. सं. 228/104/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 19th December, 2024

S.O. 6.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the ex post facto consent w.e.f 14.11.2021 of the State Government of Odisha, issued vide Notification No. 50311/Home-CPM-MISC-0102-2023/CP&M, Bhubaneswar, Dated the 27.12.2023, Home Department and Corrigendum Notification No. 40222/Home-

CPM-MISC-0102-2023/CP&M/ Bhubaneswar, Dated the 30.10.2024, Home Department, as was sought for by CBI, Special Task Branch, in respect of CBI Case No. RC-059/2021/S/0009/CBI/STB/NEW DELHI, hereby extends the powers and jurisdiction to the members of the Delhi Special Police Establishment (ex post facto w.e.f 14.11.2021) for investigation of offences, committed by the accused Kunhu Charan Badatya (Mobile Nos. 7978788207 and 9692833199), a resident of Pandara Street, Old Brahampur, Sadar, Ganjam Odisha-760009, in the State of Odisha, punishable under the provisions of Information Technology Act, 2000 and The Protection of Children from Sexual Offences (POCSO) Act, 2012.

As per the allegations Sh. Kunhu Charan Badatya (Mobile Nos. 7978788207 and 9692833199), a resident of Pandara Street, Old Brahampur, Sadar, Ganjam Odisha-760009, other accused persons namely Taviya Alpesh Ukabhai S/o Sh. Ukabhai R/o Rangpur, Botad, Bhavnagar, Gujarat, Shri Vala Chiranjay Kumar Manubhai S/o Manubhai R/o Vadi Vistar Village Solai Taluka, Sutrapada, District-Gir Somnath, Gujarat-362275, Sh. Satyam Singh R/o H.No.1206, Gali No. 3, B Block, Baba Colony, Burari Central Delhi and some others (unknown) were indulging in storing/possessing pornographic material in electronic form involving a child with an intention to share/ transmit child pornography, storing/possessing pornographic material in electronic form involving a child for commercial purpose, publishing or transmitting obscene material in electronic form and collecting, seeking, browsing material in electronic form, depicting children in obscene or indecent or sexually explicit manner etc.

The above facts, prima-facie, disclose commission of offences punishable under Section 67,67B of The Information Technology Act, 2000 and under section 15 of The Protection of Children from Sexual Offences (POCSO) Act, 2012.

[F. No. 228/104/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 23 दिसम्बर, 2024

का.आ. 7.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केरल राज्य सरकार की अधिसूचना सं. जी.ओ.(एमएस.) सं.78/2021/गृह, दिनांक 18.03.2021, गृह(एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ. सं. 301/2021) और शुद्धि-पत्र अधिसूचना सं. जी.ओ.(एमएस.) सं.242/2024/गृह, दिनांक 17.11.2024, गृह(एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ. सं. 1060/2024) के माध्यम से जारी सम्मति से, सीबीआई मामला सं. आरसी0332021ए0002 में सीमा-शुल्क विभाग के श्री जोस के.एम., अधीक्षक, गणपति पॉट्टी, अधीक्षक, यासर अराफात के., निरीक्षक, सत्यमेंद्र सिंह, अधीक्षक, नरेश, निरीक्षक, सुधीर, निरीक्षक, संजीव कुमार, निरीक्षक, रमेन्द्र सिंह, निरीक्षक, योगेश, निरीक्षक, अशोकन सी., प्रधान हवलदार, फ्रांसिस, हवलदार, श्रीमती आशा एस., अधीक्षक, सुश्री मिनिमॉल वी.सी., निरीक्षक और श्री मणी, उप-कर्मचारी और अन्य के विरुद्ध भारतीय दंड संहिता (1860 का केन्द्रीय अधिनियम 45) की धारा 120बी सपठित धारा 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (2018 के केन्द्रीय अधिनियम 16 द्वारा यथासंशोधित) की धारा 7, 8 और 12 के तहत अभिकथित दंडनीय अपराध कारित करने, साथ ही इस मामले से संबंधित उसी तथ्य से उत्पन्न संव्यवहार के क्रम में कारित अपराधों एवं उनसे जुड़े मामलों तथा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध और/अथवा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र का पंजीकरण और अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 15.04.2021 से) समस्त केरल राज्य में करती है।

[फा. सं. 228/30/2023-एवीडी-II]

राजीव कुमार खरे, अवर सचिव

New Delhi, the 23rd December, 2024

S.O. 7.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification No.G.O.(Ms.) No. 78/2021/HOME dated 18.03.2021, Home(M) Department, Thiruvananthapuram (S.R.O. No. 301/2021) and Erratum Notification No. G.O.(Ms.) No. 242/ 2024/HOME dated 17.11.2024, Home(M) Department, Thiruvananthapuram (S.R.O. No. 1060/2024),

hereby extends the powers and jurisdiction to the members of the Delhi Special Police Establishment (ex post facto w.e.f. 15.04.2021) in the whole of the State of Kerala in CBI Case RC0332021A0002 for the registration and investigation of the alleged commission of offence punishable under section 120B read with 420 Indian Penal Code (Central Act 45 of 1860) and sections 7, 8 and 12 of the Prevention of Corruption Act, 1988 (as amended by the Central Act 16 of 2018) against Shri Jose K.M., Superintendent, Ganapathy Potty, Superintendent, Yaser Arafath K., Inspector, Satyamendra Singh, Superintendent, Naresh, Inspector, Sudhir, Inspector, Sanjeev Kumar, Inspector, Ramendra Singh, Inspector, Yogesh, Inspector, Ashokan C., Head Havildar, Francis, Havildar, Smt. Asha S., Superintendent, Ms. Minimol V.C., Inspector and Shri Mani, Sub-staff of Customs Department and others including offences committed in the course of transaction arising out of the same fact, in regard to this case, and the matters related thereto and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/30/2023-AVD-II]

RAJEEV KUMAR KHARE, Under Secy.

नई दिल्ली, 23 दिसम्बर, 2024

का.आ. 8.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार की अधिसूचना जी.ओ.(एमएस.) सं.258/2024/गृह दिनांक 28.11.2024, गृह (एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ सं. 1107/2024) के माध्यम से जारी सम्मति से मेसर्स श्री वत्स इंटरनेशनल प्राइवेट लिमिटेड, इसके प्रतिनिधि प्रबंध निदेशक एवं निदेशक, श्रीमती रेखा आर.एल पत्नी श्री भूतलिंगम के., प्रबंध निदेशक मेसर्स श्री वत्स इंटरनेशनल प्राइवेट लिमिटेड, श्री भूतलिंगम के., पुत्र श्री कांतास्वामी, निदेशक मेसर्स श्री वत्स इंटरनेशनल प्राइवेट लिमिटेड तथा अज्ञात लोकसेवकों एवं गैर-सरकारी व्यक्तियों, यदि कोई हों, के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 120बी सपठित धारा 420 एवं 406 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (2018 के अधिनियम 16 द्वारा यथासंशोधित) की धारा 13 की उप-धारा (2) सपठित उप-धारा (1) का खंड (क) के अंतर्गत दंडनीय अपराधों तथा इस मामले के संबंध में, समस्त केरल राज्य के अंदर, समान तथ्यों से उत्पन्न संव्यवहार में कारित अन्य अपराधों तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त केरल राज्य में करती है।

[फा. सं. 228/108/2024-एवीडी-II]

राजीव कुमार खरे, अवर सचिव

New Delhi, the 23rd December, 2024

S.O. 8.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification G.O.(Ms.)No.258/2024/HOME dated 28.11.2024, Home (M) Department, Thiruvananthapuram (S.R.O No. 1107/2024), hereby extends the powers and jurisdiction to the members of the Delhi Special Police Establishment in the whole state of Kerala for investigation of offences punishable under section 120 B read with sections 420 and 406 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and sub section (2) read with clause (a) of sub section (1) of section 13 of the Prevention of Corruption Act, 1988 (as amended vide Act 16 of 2018) against M/s Sri Vatsa International Private Limited represented by its Managing Director and Director, Smt Rekha R.L W/o Shri Boothalingam.K, Managing Director M/s Sri Vatsa International Private Limited, Shri Boothalingam.K, S/o Shri Kanthaswamy, Director M/s Sri Vatsa International Private Limited and unknown public servants and private persons, if any, for commission of offences punishable under the said Acts and any other offences committed in the course of transaction arising out of the same fact, in regard to this case, within the whole state of Kerala and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/108/2024-AVD-II]

RAJEEV KUMAR KHARE, Under Secy.

**रेल मंत्रालय
(रेलवे बोर्ड)**

नई दिल्ली, 5 अगस्त, 2024

का.आ. 9.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. मंडल रेल प्रबंधक कार्यालय, पूर्व रेलवे, आसनसोल
2. इंडियन रेलवे केटरिंग एण्ड टूरिज्म कॉरपोरेशन लिमिटेड, एरिया कार्यालय, दानापुर
3. इरकॉन इंटरनेशनल लिमिटेड, सिलीगुड़ी परियोजना कार्यालय

[फा. सं. हिंदी -2023/रा.भा.-1/12/1/(1863400)]

डॉ. वरुण कुमार, निदेशक, (राजभाषा)

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 5th August, 2024

S.O. 9.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. DRM Office, Eastern Railway, Asansol.
2. Indian Railway Catering & Tourism Corporation LTD., Area Office, Danapur.
3. Ircon International LTD., Siliguri Project Office.

[F. No. Hindi-2023/O.L.1/12/1/(1863400)]

Dr. BARUN KUMAR, Director, (O.L.)

नई दिल्ली, 26 सितम्बर, 2024

का.आ. 10.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. स्टेशन प्रबंधक, गुमानी .
2. स्टेशन प्रबंधक, कोटालपोखर.
3. स्टेशन प्रबंधक, पाकुड़.
4. स्टेशन प्रबंधक, नगरनबी.
5. स्टेशन प्रबंधक, शिकारीपाड़ा.
6. सहायक कार्मिक अधिकारी कार्यालय, सीनी कारखाना.
7. बहु विषयक क्षेत्रीय प्रशिक्षण संस्थान, खड़गपुर .

[फा. सं. हिंदी -2023/रा.भा.-1/12/1/(1935521)]

डॉ. वरुण कुमार, निदेशक, (राजभाषा)

New Delhi, the 26th September, 2024

S.O. 10.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. Station Manager, Gumani.
2. Station Manager, Kotalpukur.
3. Station Manager, Pakur.
4. Station Manager, Nagar Nabi.
5. Station Manager, Shikaripara.
6. Assttiant Personnal Officer Office, Sini Workshop.
7. Multi Disciplinary Zonal Training Institute, Kharagpur.

[F. No. Hindi-2023/O.L.1/12/1/ (1935521)]

Dr. BARUN KUMAR, Director, (O.L.)

नई दिल्ली, 31 दिसम्बर, 2024

का.आ. 11.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद् द्वारा अधिसूचित करता है:-

1. महाप्रबंधक कार्यालय, पूर्वोत्तर सीमा रेल (निर्माण), गुवाहाटी.
2. मुख्य कारखाना प्रबंधक, काँचरापाड़ा, पूर्व रेलवे, कोलकाता.
3. दसवीं वाहिनी, रेल सुरक्षा विशेष बल, धनबाद.

[फा. सं. हिंदी -2023/रा.भा.-1/12/1/(1928289)]

डॉ. बरुण कुमार, निदेशक, (राजभाषा)

New Delhi, the 31st December, 2024

S.O. 11.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. General Manager, Northeast Frontier Railway (Construction), Guwahati.
2. Chief Workshop Manager, Kanchrapara, Eastern Railway, Kolkata.
3. 10th Battalion, Railway Protection Special Force, Dhanbad.

[F. No. Hindi-2023/O.L.1/12/1/ (1928289)]

Dr. BARUN KUMAR, Director, (O.L.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 10 जनवरी, 2025

का.आ. 12.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालयों, जिनके 80 या अधिक प्रतिशत कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:-

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. इण्डियन ऑयल कॉर्पोरेशन लिमिटेड, (विपणन प्रभाग), हैदराबाद टर्मिनल, सर्वे नं.-183, आईडीए-चरण-III, चेरलापल्ली, हैदराबाद | <ol style="list-style-type: none"> 2. इण्डियन ऑयल कॉर्पोरेशन लिमिटेड, (विपणन प्रभाग), वारंगल मंडल कार्यालय, म.सं. 5-11-503, चौथी मंजिल, कंदकतला गेटवे, केयूसी क्रास रोड, नईम नगर, हनमकोंडा, वारंगल |
|---|---|

3. इण्डियन ऑयल कॉर्पोरेशन लिमिटेड (विपणन प्रभाग), बेंगलोर इंडेन मंडल कार्यालय, इण्डियन ऑयल भवन, 29 पी कलिंगा राव रोड, (मिशन रोड), बेंगलुरु

4. इण्डियन ऑयल कॉर्पोरेशन लिमिटेड (विपणन प्रभाग), बेंगलुरु टर्मिनल, देवनगोती, बेंगलुरु

[फा. सं. 11012/3/2021-रा.भा.(2025)]

डॉ. ज्योति मिश्रा, उप निदेशक (राजभाषा)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 10th January, 2025

S.O. 12.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the central Government hereby notifies the following offices of the Public Sector undertaking under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:-

1. Indian Oil Corporation Limited, (Marketing Division), Hyderabad Terminal, Survey No.-183, IDA-Phase-III, Cherlapalli, Hyderabad

2. Indian Oil Corporation Limited, (Marketing Division), Warangal Divisional Office, H.No. 5-11-503, 4th Floor, Kandkatla Gateway, KUC Cross Road, Nayeem Nagar, Hanamkonda, Warangal

3. Indian Oil Corporation Limited (Marketing Division), Bangalore Indane Divisional Office, Indian Oil Bhawan, 29 P. Kalinga Rao Road, (Mission Road), Bengaluru

4. Indian Oil Corporation Limited (Marketing Division), Bangalore Terminal, Devangonti, Bengaluru

[F. No. 11012/3/2021-OL(2025)]

Dr. JYOTI MISHRA, Dy. Director (OL)

कोयला मंत्रालय

नई दिल्ली, 10 जनवरी, 2025

का.आ. 13.—केंद्रीय सरकार एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (1987 में यथा संशोधित) के नियम 10 के उप नियम (4) के अनुसरण में, कोयला मंत्रालय के नियंत्रणाधीन भारत कोकिंग कोल लिमिटेड के सरायडेला, धनबाद स्थित कार्यालय 'सीसीडब्ल्यूओ (वांशरी प्रभाग)', जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. 13012/1/2017-हिंदी]

आस्था जैन, संयुक्त निदेशक

MINISTRY OF COAL

New Delhi, the 10th January, 2025

S.O. 13.—In pursuance of sub Rule (4) of Rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976 (as amended in 1987), Central Government hereby notifies the Office 'CCWO (Washery Division)' of the Bharat Coking Coal Limited under the control of Ministry of Coal located at Saraidhela, Dhanbad wherein the percentage of the staff having working Knowledge of Hindi has gone above 80% .

[F. No. 13012/1/2017-HINDI]

AASTHA JAIN, Jt. Director

विज्ञान और प्रौद्योगिकी मंत्रालय

(बायोटेक्नोलॉजी विभाग)

नई दिल्ली, 9 मई, 2023

का.आ. 14.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, बायोटेक्नोलॉजी विभाग के नियंत्रणाधीन नवोन्मेषी एवं अनुप्रयुक्त जैव-प्रसंस्करण केंद्र,

जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

नवोन्मेषी एवं अनुप्रयुक्त जैव-प्रसंस्करण केंद्र,
सैक्टर 81, (नॉलेज सिटी), एस.ए.एस. नगर,
मोहाली - 140306, पंजाब

[फा. सं. ई.-17/02/2017-हिंदी-डीबीटी (कम्प्यूटर सं. 166)]

चैतन्य मूर्ति, संयुक्त सचिव

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Biotechnology)

New Delhi, the 9th May, 2023

S.O. 14.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office, Center of Innovative and Applied Bioprocessing, under the control of the Department of Biotechnology whose more than 80% staff has acquired working knowledge in Hindi:

[F. No. E-17/02/2017-Hindi-DBT (Computer No. 166)]

CHAITANYA MURTI, Jt. Secy.

नई दिल्ली, 9 मई, 2023

का.आ. 15.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, बायोटेक्नोलॉजी विभाग के नियंत्रणाधीन राष्ट्रीय कृषि खाद्य जैवप्रौद्योगिकी संस्थान, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

राष्ट्रीय कृषि खाद्य जैवप्रौद्योगिकी संस्थान,
सैक्टर 81, (नॉलेज सिटी), एस.ए.एस. नगर,
मोहाली - 140306, पंजाब

[फा. सं. ई.-17/02/2017-हिंदी-डीबीटी (कम्प्यूटर सं. 166)]

चैतन्य मूर्ति, संयुक्त सचिव

New Delhi, the 9th May, 2023

S.O. 15.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office, National Agri-Food Biotechnology Institute under the control of the Department of Biotechnology whose more than 80% staff has acquired working knowledge in Hindi:

National Agri-Food Biotechnology Institute,
Sector-81 (Knowledge City)
S.A.S. Nagar,
Mohali- 140306, Punjab

[F. No. E-17/02/2017-Hindi-DBT (Computer No. 166)]

CHAITANYA MURTI, Jt. Secy.

नई दिल्ली, 8 नवम्बर, 2024

का.आ. 16.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, बायोटेक्नोलॉजी विभाग के नियंत्रणाधीन निम्नलिखित कार्यालय, जीव विज्ञान संस्थान, भुवनेश्वर जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

जीव विज्ञान संस्थान,

नाल्को स्क्वायर, नाल्को नगर

चंद्रशेखरपुर, भुवनेश्वर- 751023, ओडिशा

[फा. सं. ई.-17/02/2017-हिंदी-डीबीटी (कम्प्यूटर सं. 166)]

एकता विश्नोई, संयुक्त सचिव

New Delhi, the 8th November, 2024

S.O. 16.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office, Institute of Life Sciences, Bhubaneswar under the control of the Department of Biotechnology whose more than 80% staff has acquired working knowledge in Hindi:

Institute of Life Sciences,

NALCO Square, NALCO Nagar,

Chandrasekharpur,

Bhubaneswar – 751023, Odisha

[F. No. E-17/02/2017-Hindi-DBT (Computer No. 166)]

EKTA VISHNOI, Jt. Secy.

नई दिल्ली, 4 दिसम्बर, 2024

का.आ. 17.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, बायोटेक्नोलॉजी विभाग के नियंत्रणाधीन निम्नलिखित कार्यालय, राष्ट्रीय पशु जैव प्रौद्योगिकी संस्थान, हैदराबाद जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

राष्ट्रीय पशु जैव प्रौद्योगिकी संस्थान,

सर्वेक्षण संख्या. 37, विस्तारित क्यू सिटी मार्ग,

पत्रकार कॉलोनी के सामने,

गौलिडोडु के पास, गञ्जिबावली

हैदराबाद, तेलंगाना - 500032

[फा. सं. ई.-26/01/2024-हिंदी-डीबीटी (कम्प्यूटर सं. 20629)]

एकता विश्नोई, संयुक्त सचिव

New Delhi, the 4th December, 2024

S.O. 17.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office, National Institute of Animal Biotechnology, Hyderabad under the control of the Department of Biotechnology whose more than 80% staff has acquired working knowledge in Hindi:

National Institute of Animal Biotechnology,
Survey no. 37, Extended Q-city Road,
Opp. Journalist Colony, Near Gowlidoddi
Gachibawli,
Hyderabad, Telangana – 500032

[F. No. E-26/01/2024-Hindi-DBT (Computer No. 20629)]

EKTA VISHNOI, Jt. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 8 जुलाई, 2024

का.आ. 18.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में दलितों के बीच सह-जबलपुर के पंचाट (एलसी-आर/64/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22012/36/2015-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 8th July, 2024

S.O. 18.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/-R/64/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **05/07/2024**.

[No. L-22012/36/2015 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/64/2015

Present: P.K.Srivastava

H.J.S..(Retd)

Sudhir Kumar Sharma

At, Dafai No.-7, Near Kalibadi

North Jhagrakhand Colliery

District Korea (CG).

Workman

Versus

The Chief General Manager

SECL, Hasdeo Area

Po- South Jhagrakhand

Distt.-Korea (CG)

Management

(JUDGMENT)**(Passed on this 20th day of June-2024)**

As per letter dated 10/07/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of Industrial Disputes Act, 1947 as per Notification No. L-22012/36/2015/IR(CM-II) dt. 10/07/2015. The dispute under reference relates to:

“Whether the Chief General Manager South Eastern Coalfields Limited, Hasdeo Area, is justified in dismissing Shri Sudhir Kumar Sharma, Cashier Grade-I from service w.e.f. 27 January 2014 ? If not, what relief he is entitled to and from which date ?”

After registering a case on the basis of the reference, notices were sent to the parties and were served. Parties appeared and file their respective Statement of Claims and Defense.

According to the workman, he was served a charge sheet on 20.07.2012 while working as Cashier Grade-1, and was required to show cause on the charge mentioned in the charge sheet, which was allegation of following misconducts under the Certified Standing Orders :-

Clause-26(22) :- Any wilful and deliberate act which is subversive of discipline of which may be detrimental to the interest of company.

Clause-26(43) :- Breach of Standing Order.

The substance of the charge was he made false amount in the T.A. Bills of employees and thus misappropriated amount of Rs. 1,00,000/- in his favour, which turned out to be irregular payment of Rs. 40,00,000/-. A departmental enquiry was conducted after the management found the reply of the show cause notice filed by the workman insufficient. According to the workman, the enquiry was not conducted according to rules and procedure thus prejudicing his defence. The Enquiry Officer recorded his finding against evidence on record. The Disciplinary Authority wrongly accepted the enquiry report and passed disproportionate punishment.

He prayed that setting aside his dismissal, he be reinstated with all back wages and benefits.

Rebutting the allegations of the workman, management has taken a case in their written statement of defense that during course of surprise checking of cash book and vouchers, it was found that abnormal payment of T.A. Bills was made to employees. On further verification of T.A. Bill passing register, it was found that payment was made for more amount then the amount of bill entered in the T.A. Bill Passing Registers. This was reported to the General Manager who ordered a preliminary enquiry. It was found in the preliminary enquiry that the amount should to have been paid to the employees on their T.A. Bills was more than it was entered in the bill passing register resulting into siphoning of money in a fraudulent and corrupt manner by the workman who was cashier at that time. A charge sheet was issued to the workman and after his reply was found not sufficient, a regular departmental enquiry was conducted as per rules and procedure. The Enquiry Officer submitted his report holding the charges proved and the Disciplinary Authority passed the punishment of dismissal of the workman after his representation on the enquiry report was found insufficient.

Following preliminary issue was framed vide order dated 26.06.2019:-

1. *Whether the departmental enquiry conducted was legal and proper?*

Parties adduced their evidence on this preliminary issue the copy of enquiry papers was filed by management, admitted by workman.

Vide order dated 16.06.2022, preliminary issue was decided holding the departmental enquiry legal and proper. This order is part of this award.

Following additional issues were also framed on 16.03.2022:-

2. *Whether the charges are proved from the enquiry papers ?*

3. *Whether the punishment is disproportionate to the charge ?*

4. *Relief to which the workman is entitled ?*

Parties were directed to file their evidence on these additional issues in form of documents/affidavit. None of the parties filed any evidence on additional issues.

No oral argument was submitted by any of the parties, no written submissions were filed. I have gone through the record.

Issue No.-2 :-

The settled proposition of law is that the charges need not be proved beyond reasonable doubt in a departmental enquiry. Following judgments are being referred to in this respect.

Scope of disciplinary proceedings and scope of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different. Ref. T.N.C.S. Corpn. Ltd. Vs. K. Meerabai, (2006) 2 SCC 255

*Standard of proof in a departmental enquiry which is quasicriminal/quasi-judicial in nature: Disciplinary proceedings, however, being quasi-criminal in nature, **there should be some evidence to prove the charge.** Although the charges in a departmental proceedings are not required to be proved like a criminal trial i.e. beyond all reasonable doubts, we cannot lose sight of the fact that the enquiry officer performs a quasijudicial function, who upon analyzing the documents must arrive at a conclusion that there had been a preponderance of probability to prove the charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact. He cannot refuse to consider the relevant facts. He cannot shift the burden of proof. He cannot reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. Ref: (i) *Nirmala J. Jhala Vs. State of Gujarat & Another, AIR 2013 SC 1513 (paras 10 , 11, 12 & 13).* (ii) *M.V. Bijlani Vs. Union of India, (2006) 5 SCC 88 (Para 25)**

In the cases of (i) NOIDA Entrepreneurs Association Vs NOIDA & others, AIR 2007 SC 1161 (i4i) State Bank of India Vs. R.B. Sharma, (2004) 7 SCC 27 (iii) Kendriya Vidyalaya Sangathan Vs. T. Srinivas, (2004) 7 SCC 442 (iv) Depot Manager, APSRTC Vs. Mohd. Yousuf Miya, (1997) 2 SCC 699 (v) Captain M. Paul Anthony Vs. Bharat Gold Mines Limited (1999) 3 SCC 679 and (vi) State of Rajasthan Vs. B.K. Meena, (1996) 6 SCC 417 (vi) Pratap Singh Vs. State of Punjab, AIR 1964 SC 72 (vii) Jang Bahadur Singh Vs. Baij Nath, AIR 1969 SC 30, it has been laid down by the Hon'ble Supreme Court that "the purpose of departmental enquiry and of prosecution are two different and distinct aspects. Departmental Enquiry is to maintain discipline in the service and efficiency of public service. Crime is an act of commission in violation of law or of omission of public duty. The enquiry in a departmental proceeding relates to the conduct or breach of duty by the delinquent officer to punish him for his misconduct defined under the relevant statutory rules or law. It is the settled legal position that the strict standard of proof or applicability of the Evidence Act stands excluded in a departmental proceeding. Criminal Proceedings and the departmental proceeding under enquiry can go on simultaneously."

In the case of T.N.C.S. Corporation Ltd. Vs. K. Meerabai, (2006) 2 SCC 255, it has been held by the Hon'ble Supreme Court that the scopes of the disciplinary proceedings and of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different.

In the cases of Mohd. Saleem Siddiqui Vs. State of UP & others, (2011) 2 UPLBEC 1575 (Allahabad High Court) and Ajeet Kumar Naag Vs. General Manager Indian Oil Corporation Ltd. Haldia, JT 2005 (8) SC 425, the distinction between departmental enquiry and criminal proceedings has been drawn as under: "The two proceedings i.e. criminal and departmental are entirely different. They operate in different fields and have different objectives. The object of criminal proceedings is to inflict appropriate punishment on offender and the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance service rules the rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of accused beyond reasonable doubts, he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of preponderance of probability. Procedure with respect to standard of proof in criminal case and departmental enquiry are different. In the case of departmental enquiry the technical rules of evidence have no application and the doctrine of "proof beyond doubt" has also no application in the departmental enquiry. Criminal prosecution is launched for an offence for violation of a duty the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service. There would be no bar to proceed simultaneously with departmental enquiry and trial of criminal case. "

Perusal of enquiry papers filed and proved by management shows that as many as 8 witnesses were examined during the enquiry who stated that they received lesser amount then what was entered in the bill passing register for example when the actual bill amount was for Rs. 400/-, it was converted in to Rs. 4400/- out of which Rs. 400/- were given to the employee and Rs. 4000/- were pocketed by the workman. Hence, the statements of witnesses recorded during the enquiry fully support the charge as it has been found after perusal of enquiry papers, the argument of learned Counsel for the workman that the finding of the Enquiry Officer holding the charges proved was wrong cannot be accepted. Accordingly, holding the finding of the Enquiry Officer, the charges against the workman are held proved. Issue no.-2 is answered accordingly.

Issue No.-3 :-

The settled proposition of law is that the punishment can be interfered by this Tribunal only when it is so disproportionate to the charge that it shocks the conscience of this Tribunal. Following judgments are being referred to in this respect.

Hon'ble Apex Court in *B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749* while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

“The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mold the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof.”

In *DG, RPF vs. Sai Babu (2003) 4 SCC 331*, Hon’ble Apex Court has observed that:

“6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department/establishment which the delinquent person concerned works.”

In *United Commercial Bank vs. P.C. Kakkar (2003) 4 SCC 364* Hon’ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

“11. The common thread running through in all these decisions is that the court should not interfere with the administrators’ decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.

12. To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof.”

In *Union of India vs. S.S. Ahluwalia (2007) 7 SCC 257* Hon’ble Supreme Court reiterated the legal position as follows:

“8. The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved.”

In *State of Meghalaya v. Mecken Singh N. Marak (2008) 7 SCC 580* Hon’ble Supreme Court stated that:

“The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review.

Hon’ble Apex Court in *Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad (2010) 2 SCC (L&S) 101* has observed that

“The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts.

This extract is taken from *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya, (2011) 4 SCC 584 : (2011) 1 SCC (L&S) 721 : 2011 SCC OnLine SC 416* at page 587

7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on

record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide B.C. Chaturvedi v. Union of India [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , Union of India v. G. Ganayutham [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , Bank of India v. Degala Suryanarayana [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and High Court of Judicature at Bombay v. Shashikant S. Patil [(2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)

In *Air India Corporation Bombay vs. V.A. Ravellow 1972 (25) FLR 319 (SC)* it has been observed that:

“Once the employer has lost the confidence in the employee and the bona fide loss of confidence is affirmed, the order of punishment must be considered to be immune from challenge, for the reason that discharging the office of trust and confidence requires absolute integrity, and in a case of loss of confidence, reinstatement cannot be directed.”

In *Knhaiyalal Agarwal and others vs. Factory Manager, Gwalior Sugar Co. Ltd. AIR 2001 SC 3645* Hon’ble Apex Court laid down the test for loss of confidence to find out as to whether there was bona fide loss of confidence in the employee, observing that:

“Loss of confidence cannot be subjective, based upon the mind of the management. Objective facts which would lead to a definite inference of apprehension in the mind of the management, regarding trust worthiness or reliability of the employee, must be alleged and proved.”

No doubt an employee has to maintain absolute integrity while in service. There can be no compromise on integrity of an employee in any institution. The acquittal of the workman was by granting him benefits of doubt that too has been appealed against. Hence, in these circumstances, the punishment to the workman inspite of the fact that he was acquitted from the charges after trial cannot be faulted in law or fact. Holding the punishment justified in law, issue no.-3 is answered accordingly.

Issue No.-4 :

On the basis of findings recorded above, the workman is held entitled to no relief.

Accordingly, the Reference is answered as follows :-

AWARD

Holding the Chief General Manager South Eastern Coalfields Limited, Hasdeo Area, justified in dismissing Shri Sudhir Kumar Sharma, Cashier Grade-I from service w.e.f. 27 January 2014, the workman is entitled to no relief. No order as to cost.

DATE:- 20/06/2024

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 2024

का.आ. 19.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *दिल्ली, 14 अक्टूबर, 2024* - सह - *Je U; k; ky;*, हैदराबाद के पंचाट (पहचान I a[; k 64/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10@10@2024 को प्राप्त हुआ था।

[सं. एल-22012/128/2012-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 14th October, 2024

S.O. 19.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 64/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **10/10/2024**.

[No. L-22012/128/2012 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of September, 2024**INDUSTRIAL DISPUTE No. 64/2012**

Between:

The President (Sri R. Kashi Ramulu),
Telengana Trade Union Council (E/716),
H.No.3-5-247/3, Azmathpura,
Karimnagar.

..... Workman

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Area, Sreerampur,
Adilabad district. – 504 303.

.... Respondent

Appearances:

For the Workman : M/s. A.Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/128/2012-IR(CM-II) dated 2.9.2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Adilabad Dist., in terminating the services of Shri Addanki Venu, Ex-Badli Filler, RK-5 Inc., SCCL, Sreerampur Area with effect from 15.9.2009 is justified or not? To what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No. 64/2012 and notices were issued to the parties concerned.

2. The averments made in the claim statement are as follows:

It is submitted that, Sri Addanki Venu was initially appointed as Badli Filler on 17.3.2001. It is submitted that, from the date of appointment, the concerned workman was regular to his duties and performing his duties upto the satisfaction of one and all. It is submitted that on account of his personal work, the concerned workman obtained leave on 2.7.2007 and came to Hyderabad, then he fell sick and took treatment in Osmania General Hospital on 3.7.2007. It is submitted that the concerned workman sent a telegram to the Respondent on 3.7.2007 requesting to extend the leave. It is submitted that while so, on 13.11.07 the Respondent stated to have published the charge sheet in a local daily news paper alleging that the concerned workman was absent from 3.7.07 to 12.10.07 without sanctioned leave and it amounts to misconduct under the Company's Standing Order No.25.31. As the concerned workman was not in station he could not respond to the paper publication. In those circumstances, without waiting for any further time, the Respondent conducted the enquiry on 20.11.2007 and the enquiry officer passed ex-parte orders holding the concerned workman as guilty. It is submitted that the concerned workman came to know about the publication of charge sheet dated 12.7.2007 through one of his friends only on 3.12.2007. Immediately, the concerned workman made a representation dt.4.12.2007 to the Respondent duly enclosing the documentary proof i.e. medical prescriptions, medical certificates and also the copy of Telegram through which the concerned workman has requested for extension of leave requesting to re-conduct the enquiry, so as to enable the concerned workman to participate in the enquiry and to defend himself by producing relevant documents. Unfortunately, without considering his representation dt.4.12.2007 the Respondent issued a notice dt.7.12.2007 asking the concerned workman to submit his explanation by enclosing the report of the enquiry officer. The workman has submitted his reply dt.31.3.2008 categorically pleading that on account of his sickness, he could not attend his duties from 3.7.2007 to 12.10.2007.

Thereafter, a show cause notice dt.26.6.2009 was issued by the Respondent. Thereafter, the concerned workman gave a reply dt.8.8.2009 to the show cause notice, whereat, stated that his absence is neither willful nor wanton, but only on account of his ill-health and other family problems, he could not be regular to his duties. However, without considering any of the submissions made by the concerned workman, the Respondent issued a proceeding dt.9.9.2009 dismissing the concerned workman from service. That, had the Respondent given the concerned workman an opportunity to defend himself by conducting re-enquiry, the concerned workman could have produced the medical certificates, prescriptions to prove that he was taking treatment in Osmania General Hospital. Basing on the ex-parte order, the concerned workman was dismissed from service with effect from 15.9.2009 vide office order dt.9.9.2009. Thereafter, the name of the concerned workman was removed from the roll of the company vide proceedings dt. 10.9.2009. It is submitted that, the inability of the concerned workman to be regular to his duties during the period from 3.7.2007 to 12.10.2007 is neither willful nor wanton, but only on account of his ill-health and other family problems, he could not be regular to his duties. Had the enquiry was conducted properly, giving due opportunity to the concerned workman, the necessity to dismiss him from service could have been avoided. As a result of the above lop sided enquiry, the concerned workman was dismissed from service. It is submitted that, the concerned workman is the sole bread winner in his family. As a result of his dismissal from service, the concerned workman and his whole family members are facing lot of hardships and starvation. It is submitted that, dismissing the concerned workman from service for his inability to be regular to his duties during the period from 3.7.2007 to 12.10.2007 was only on account of his ill-health and other family problems, is not only untenable, but also disproportionate to the charge alleged against him. Before imposing a major penalty of dismissal from service, the Disciplinary Authority ought to have considered the issue of imposing any minor penalty. It is submitted that, aggrieved by the above order of dismissal from service, a conciliation was moved before the conciliation officer which ended in failure. It is submitted that, assuming without admitting that the enquiry conducted is correct and proper, even then, for the reasons mentioned above, the punishment of dismissal from service is too harsh, excessive and disproportionate to the charges alleged. It is submitted that, concerned workman has not gainfully employed elsewhere from the date of dismissal to till date. The concerned workman and his family members have become burden to one and all, on account of his dismissal from service. As such, the concerned workman prayed to modify the punishment of dismissal to that of any other lesser penalty, so as to survive himself and to look after his family. It is prayed to declare the impugned order No. SRP / PER / 13.008/4106, dt.9.9.2009 and later removing his name from the rolls vide proceeding No.SRP/RK5/RO16/4025, dt. 10.9.2009 issued by the Respondent, as illegal and arbitrary and set aside the same, consequently direct the Respondent to re-instate the Workman into service duly granting all other consequential benefits.

3. **Respondent filed counter denying the averments of the Workman as under:**

It is submitted that the concerned workman was dismissed from the services of the company with effect from 15.09.2009 vide Letter No. SRP/PER/13.008/4106 dated 09.09.2009 on proved charges. It is submitted that the Workman was dismissed on proved charge after conducting a detailed domestic enquiry duly following the principles of natural justice. It is submitted that the concerned workman was initially appointed as Badli Filler in the Respondent Company on 17.03.2001. The averment that from the date of appointment, the concerned workman was regular to his duties and performing his duties up to the satisfaction of one and all is not true and correct. The concerned workman is habitual absentee for his duties and poor performance. The performance of the concerned workman for last 7 years prior to his dismissal is as follows:

YEAR	ACTUAL MUSTERS
2002	124
2003	003
2004	009
2005	132
2006	106
2007	056
2008	Nil
2009	Nil(Upto 24.8.2009)

It is submitted that the workman while he was working at RK-5 Incline he was sanctioned one day leave with Pay on 2.7.2007 and he remained absent from duty without sufficient cause from 3.7.2007. Subsequently the workman sent a telegram from Hyderabad informing that he had fallen sick without giving his address. There was no request for extension of leave. He was having only one day leave balance to his credit as on date and there was no balance of sick leave. Further, the workman did not submit detailed address while sending the telegram and as such a letter was

sent to his home address informing him to report at Colliery Hospital for treatment vide letter No.SRP/RK-5/G-12/3873 dated 11.07.2007 since as a part of welfare facilities well equipped Main Hospital and Dispensaries are provided by the Respondent company to cater the health requirement of about 71,220 employees and their families. The postal authorities have returned the letter undelivered with a remark that the addressee was absent. It is submitted that there was no request from the workman for extension/grant of leave furnishing sufficient cause, and continuously absents from duties with effect from 03.07.2007 to 12.10.2007 and staying beyond sanctioned leave which amounts to misconduct and the workman was issued with Charge Sheet No.SRP/RK-5/R-008/5552, dated 12.10.2007 under Company's Standing Orders 25.31 which reads as follows:

"25.31 - Absence from duty without sanctioned leave or sufficient cause or over staying beyond sanctioned leave."

Since the workman was continuously absents from duties without any sanctioned leave or permission from the competent authority, the Charge Sheet was sent to his home address available with Company records by Registered Post. However, the charge sheet was returned undelivered by the Postal Authorities. Hence, as per the procedure a Telugu version of the Charge Sheet was published in Telugu Daily Newspaper "Andhra Jyothi" on 13.11.2007 advising the workman to submit his written explanation within 4 days of publication and to participate in the enquiry on 20.11.2007 at 9.00 am at Office of Dy.G.M., RK-5 Incline along with his witnesses/evidences. Further, it was informed in the paper publication that if the charge sheeted employee failed to submit his explanation to the charges or failed to attend the enquiry without any information, the enquiry would be held ex-parte basing on the evidences/information available with the management. But the workman neither submitted any explanation nor attended the enquiry on 20.11.2007. As such, ex-parte enquiry was conducted on 20.11.2007 by the Enquiry Officer basing on the information available on records and the evidences adduced by the Management. As per the findings of the Enquiry Officer, the charges levelled against the workman were proved and he was found guilty of misconduct under Company's Standing Order 25.31. It is submitted that punctuality in attendance is the very essence of the contract of employment and one must perform his job diligently and carefully and must not absent from work without sufficient cause. It is submitted that the workman was habitual absentee for his duties and had poor performance. He was issued charge sheet for misconduct under Company's Standing Orders No.25.31. The workman failed to give his explanation and also failed to participate in the enquiry proceedings as such ex-parte enquiry was conducted by the enquiry officer and the charges leveled against the workman were proved and he was found guilty of misconduct under Company's Standing Order No.25.31. Since the workman was continuously absents from duties a copy of the Enquiry Report together with Enquiry Proceedings were sent to his home address by Registered Post with acknowledgement due vide Lr.No.SRP/RK-5/R.010/67371 dated 07.12.2007 giving an opportunity to make representation if any against the findings of the Enquiry Officer within 7 days of receipt of the same which was received by him on 12.12.2007. But he did not submit any representation against the findings of the Enquiry Officer within the stipulated period. Subsequently, after a lapse of 4 months he send a letter dated 31.03.2008 stating that he went to Hyderabad on certain works and there he had fallen sick and also submitted a representation to GM., SRP on 4.12.2007 and requested to permit to participate in the enquiry and also to submit his explanation on the report of the Enquiry Officer. It is submitted that the workman neither joined for duty nor reported sick at Company Hospitals for treatment but remained absent from duty. Again to give him a fair opportunity, he was informed that workmen of SCCL should report at Company Hospital in the event of falling sick and if required they are referred to super specialty hospitals, Hyderabad, depending upon the patient's health condition and he was once again issued dt. 26.06.2009 to submit his explanation on or before 10.07.2009. It is submitted that in reply to Respondent's letter dated 26.06.2009 the workman stated that due to death of his father he could not give reply and asked for one more month for submitting the explanation. His request was considered and he was advised to submit his explanation on or before 09.08.2009. The letter which was sent by Registered post to his local address ie., Qr.No.D-104, 1-Zone, Kalyanikhani, Mandamarri was received by the Workman on 29.07.2009. This clearly establishes that though he was available locally at Mandamarri, he did not join duties till 31.08.2009 neither did he report sick at Colliery Hospital for treatment. He submitted explanation dated 08.08.2009 to Dy.General Manager, RK-5 Incline requesting to re-conduct enquiry which was already conducted on 20.11.2007 and requested to be allowed for duty and to drop all proceedings whereas in fact he was never forbidden from resuming his duties. He also stated that he was the only bread winner and earning member in the family, but he did not bother to join duties even after giving him extended grace period of 2 years and he did not report for duty till 31.8.2009. However, instead of joining duty he kept requesting the Respondent company to refix the enquiry. It shows that he has no interest to work in the Company and was only trying to hoodwink the Respondent Company, as it was later learnt that the Workman was employed as press reporter for "Andhra Jyothi", Eenadu" and other such newspapers etc. consequent upon which he was reluctant to work as a coal filler in underground which amounts to cheating the Respondent Company and withholding antecedents which is against the Respondent Company's Standing Orders. It is also clearly evident that as he was employed elsewhere, his family has not fallen into dire straits as claimed by him but all the while he has been cheating the Company by holding two jobs at the same time, which is against the Rules of the Respondent Company and also can be seen clearly as the reason for his continued absence from duties in the Respondent Company which justifies his dismissal. It is submitted that the findings of the Enquiry Officer and its connected material documents, proceedings and evidence on record have been carefully perused by the disciplinary authority and it was found that the charge which was proved against the workman was severe in nature and the punishment warranted was that of

dismissal as during the previous 8-year period he has put in very poor attendance whereas an underground employee is expected to put in minimum of 190 musters in a calendar year. The disciplinary authority has gone through the entire past record of the workman and also his present performance and found that there were no extenuating circumstances to take a lenient view. Under these circumstances the Respondent Company was left with no other alternative but to dismiss the Workman from the services of the Company and he was dismissed with effect from 15.09.2009 vide letter no.SRPPER/13.008/4106, dated 09.09.2009. The name of the workman was removed from the rolls of the company with effect from 15.09.2009 vide Lr.No.SRP/RK5/RO16/4025 dated 10.09.2009. It is submitted that the workman had no interest to attend his duties which is the reason why he has absented so frequently. Putting in 3 or 5 musters in a year is totally unacceptable but still the Respondent Company has given him several chances and adequate opportunity to help him improve his attendance but to no avail. It is clearly evident that the Workman was not attending his duties at the Respondent Company because he was working elsewhere and claiming to have fallen sick in an attempt to justify his absence from duties for which he has not even submitted any documentary evidence. The enquiry was conducted giving fair opportunity to the Workman to participate in the enquiry proceedings, but the Workman did not avail the same. The disciplinary authority after considering the past record and present performance of the workman and found no extenuating circumstances to take a lenient view and rightly imposed penalty of dismissal as his attendance during the past 8 years was below par i.e. from 2002 to 2009 which justifies the action of Respondent Company in imposing the penalty of dismissal as the employee was clearly uninterested in pursuing employment in the Respondent Company evident from the lack of attendance. It also never bothered the workman not to attend duties at the Respondent Company but requests to the welfare of his family members as the reason to be given an opportunity by the Respondent Company. The production results depend upon the overall attendance and performance of each and every individual. They are inter linked and inseparable. In this regard, if any one employee remains absent, without prior leave or without any justified cause, the production gets affected. Such unauthorized absence creates sudden void, which at times is very difficult to fill-up, and already planned schedules get suddenly disrupted when employees absent without prior notice. Despite this, the Respondent Company has given him ample opportunity by being lenient regarding his very poor attendance during the years 2002 to 2009 and was finally left with no option but to finally dismiss the Workman from services as it was clearly evident that by his careless attendance to duty and being absent without intimation, prior approval or sanction of leave from the Company, that he was not interested in pursuing employment in the Respondent Company. Hence, the Workman is not entitled to any relief as sought through the claim petition. In view the above, it is prayed to dismiss the claim petition as devoid of merits.

4. On the basis of rival bleedings of both the parties, the following points emerged for determination of the case:-

- I. Whether the departmental enquiry held against the Workman is legal and valid?
- II. Whether the action of the Respondent in terminating the services of the Workman vide order dated 9.9.2009 with effect from 15.9.2009 is justified?
- III. Whether the punishment of dismissal from service of Workman is disproportionate and not commensurate to the charge?
- IV. To what relief he is entitled?

Findings:-

5. Point No.I:- The legality and validity of the departmental enquiry has been held legal and valid vide order dated 31st January, 2023.

This point is answered accordingly.

6. Points No.II & III:- The workman in his claim statement has challenged his removal order dated 9.9.2009 from service on the ground that Respondent has issued the impugned order of dismissal dated 9.9. 2009 basing on lopsided enquiry conducted by the Enquiry Officer. Further, it is submitted that the enquiry officer has not given an opportunity to the Workman to defend his case while conducting the enquiry, as the concerned Workman could have submitted his medical prescriptions and certificates, pertaining to his treatment in Osmania General Hospital. The workman argued that basing on the ex-parte enquiry order, Respondent has dismissed Workman from services vide office order dated 9.9.2009 which is not justified.

7. On the other hand, the Respondent contended that finding of the enquiry officer and it's connected material and evidence on record has been carefully perused by the Disciplinary Authority and it was found that charge which was proved against the workman was severe in nature and punishment warranted was of dismissal. Further, it is contended that during the period under consideration the workman has put in very poor attendance and whereas an underground employee usually instructed to put in 190 musters in a calendar year. The Disciplinary Authority has gone through the entire past record of the Workman and also his present performance, and found that there was no extenuating circumstances to take a lenient view. Therefore, under the circumstances as in the present case, Respondent has left

with no other option but to dismiss the Workman from the service of the company with effect from 15.9.2009 vide order dated 9.9.2009. Further, Respondent argued that the allegation of the Workman regarding not providing the opportunity to defend his case is denied.

8. Perused the record of enquiry proceedings. As per record, the Workman was issued with chargesheet dated 12.10.2007 under Company's Standing Orders No.25.31 for unauthorized absence from duty for the period alleged in the chargesheet. But despite the service of the notice, the Workman did not appear before the enquiry and thereafter chargesheet cum notice of enquiry was published in 'Andhra Jyothi' Telugu daily newspaper on 13.11.2007 directing the charge sheeted employee to submit his explanation, if any and to attend for enquiry on 20.11.2007. Further, at the scheduled date and time, enquiry was conducted but the charge sheeted employee despite service of notice and charge sheet at his own volition did not submit the explanation to charge sheet and opted not to attend the enquiry despite the service of notice. Thus, charge sheeted employee did not appear in the enquiry to defend his case on his own volition. Thereafter, Enquiry Officer commenced the proceeding and recorded the statement of the witnesses. The Enquiry was concluded on 20.11.2007. Further, the record of enquiry proceeding reveals that the Enquiry Officer submitted his report dated 30.11.2007 with the finding holding the charge against the charge sheeted employee of misconduct under the Company's Standing Order No.25.31 held proved. Disciplinary Authority after considering enquiry report and its proceedings has passed the order dated 9.9. 2009 whereby dismissed the Workman from the service of the Company with effect from 15.9.2009. Disciplinary Authority has also served the copy of record of inquiry and connected papers to the charge sheeted employee through letter dated 26.6.2009 before passing the dismissal order of Workman.

9. The Workman has taken the plea that due to death of his father, he could not give reply and asked for one more month for submitting his explanation and the same was not considered by the Disciplinary Authority. The record of enquiry proceeding, reflects that the notice and charge sheet was sent to workman at available address on record of Workman and Workman was very much available at the given address but he did not appear before the enquiry deliberately and remained absent unauthorizedly from duty. It is not the case of Workman that notice of enquiry was not sent at his given correct address. Therefore, when the notice of enquiry was sent by Respondent Management at his given address on official record through registered post, it is presumed that it was served upon Workman. The plea of the workman that dismissal order was passed on the basis of ex-parte enquiry is not tenable as the Workman opted on his own volition not to appear and submit the explanation to charge sheet in the Enquiry.

10. Further, Workman has taken the plea that during the period from 3.7.2007 to 12.10.2007, he was absent from duty on account of his ill-health and other family problems, and he could not be regular to his duties. In this context, the Respondent has contended that the Workman was not interested to attend his duty and reason shown for his absence from duty is incorrect. Further, it is contended that Workman has put in 3 or 5 musters in a year is wholly unacceptable, but still Respondent company has given him several chances for adequate opportunity to help him to improve his attendances. Further, Respondent contended that the Workman did not attend his duty regularly prior to the charge sheet and even subsequently. He also failed either to attend his duties or to report sick at Colliery Hospital as per rules where free medical facilities are provided by the Respondent company to its employees and their family members in case he was really sick. Further, it is contended that the Workman was not attending his duty at the Respondent company, because he was working elsewhere and claiming to have fallen sick in an attempt to justify his absence from duties, for which he has not even submitted any documentary evidence. Further, it is contended that the enquiry was conducted after giving fair opportunity to the Workman to participate in the enquiry proceedings but the Workman did not avail the same. Further, it is contended that allegation made in the claim statement of illness is not true and correct and Workman is put to strict proof of this same.

11. It is not the case of the Workman that notice and charge sheet was not served at his permanent address as per official record. As regards, plea of his illness during the absence period as alleged in charge sheet, Workman has not submitted any documentary evidence to support and prove his plea of illness. There is no explanation to the effect as to why he did not report sick at the Colliery Hospital as per direction of the Respondent management. The documents submitted by the Respondent reflects that workman was habitual of remaining absent from duty. On going through the record of enquiry proceeding, it is established that the Workman remained absent from duty unauthorizedly without sanctioned leave from 3.7.2007 to 12.10.2007. Further, he did not apply for any leave medical grounds. Although Workman has submitted the documents in support of his plea of illness but these document has not been proved by relevant evidences. Further, documents filed by Workman does not disclose the nature of the illness as alleged by Workman as to why he did not report sick at the Colliery Hospital. Therefore, the plea of illness of workman for the unauthorized absence from duty is not tenable. Thus, it is unequivocally established that the workman remained absent from duty unauthorizedly for the period as alleged in the charge sheet.

12. Now, as regards the jurisdiction of interference in the finding of the Enquiry Officer is concerned, the Hon'ble Apex Court as well as High Court has laid down principles that, the High Court and Tribunal has no jurisdiction to interfere in the finding of the Enquiry Officer of Disciplinary Authority unless the order as such is perverse or without any evidence.

In the case of **State of Karnataka versus N Ganga Raj in Civil Appeal No.8071 of 2014, date of decision 14th February 2020**, wherein Hon'ble Supreme Court of India have held,

"9. In B.C. Chaturvedi v. Union of India & Ors.3, again, a three Judge Bench of this Court has held that power of judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eyes of the court. The Court/Tribunal in its power of judicial review does not act as an appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. It was held as under:

"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made.

Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is 3 (1995) 6 SCC 749 entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented. The appellate authority has co- extensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 781], this Court held at page 728 that if the conclusion, upon consideration of the evidence, reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

11. In State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaya 5, this Court held that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be ground for interfering with the findings in departmental enquiries. The Court held as under:

Further, Supreme Court have held that, "Once the evidence has been accepted, the departmental enquiry in exercise of the power of jurisdiction the tribunal or the High Court could not interfere with the finding of these facts regarding by re- appreciating the evidence as if the courts are the appellate authority."

In North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 Apex Court have held:-

"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly.

In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:

"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."

In State of U.P. vs. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276], Hon'ble Apex Court have held:-

"the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating: "It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."

In the case of State of Rajasthan & Ors. Vs. Heem Singh, civil Appeal No.3340/2020, dated 29.10.2021, Hon'ble Apex Court have held:

Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

Further in the case of North Eastern Karnataka R.T. Corpn.vs. Ashappa AIR 2006 SCC 2164, on 12 May, 2006 wherein, the Apex Court had held:-

"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly.

Therefore, in view of the law laid down by the Hon'ble Apex Court, as discussed above, from the perusal of the record, it is manifest that it is not the case of no evidence or perverse order. There is ample evidence on record to prove the charge against the Workman under Standing Orders No.25.31 of Company. Therefore, I am of the considered view that the action of the Respondent management in terminating the services of the Workman is justified.

13. As regards the quantum of punishment of dismissal against the Workman is concerned, as per record, the Workman remained unauthorizedly absent from duty without sanctioned leave from the duty of Respondent Management and due to such misconduct of the Workman, the Respondent suffered loss of work. In view of the matter it cannot be said that the misconduct committed by the Petitioner has to be treated lightly and in the facts and circumstances of the case, the Workman was habitual of absenting from work. Therefore, the punishment of dismissal cannot be said in any manner disproportionate or not commensurate to the charge levelled against him.

Points No.II and III are answered against the Workman and in favour of the Respondent.

14. **Point No.IV:-**In view of the finding given in Points No. I, II & III, the Workman is not entitled to get any relief and the claim statement is unfounded of merit and baseless, hence, liable to be dismissed.

Therefore, Point No.IV is decided accordingly.

AWARD

The action of the General manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Adilabad Dist., in terminating the services of Shri Addanki Venu, Ex-Badli Filler, RK-5 Inc., SCCL, Sreerampur Area vide order dated 9.9.2009 with effect from 15.9.2009 is held justified. The workman is not entitled to any relief as prayed for. Petition stands dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 23rd day of September, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Workman
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2025

का.आ. 20.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, केन्द्रीय ताजा जल जलकृषि संस्थान, कौशल्यागंग, भुवनेश्वर, उड़ीसा, के प्रबंधन के संबद्ध नियोजकों और महासचिव, सीफा श्रमिकसंघ, कौशल्यागंगा, भुवनेश्वर-(उड़ीसा), के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, [No. Je U; k; ky;] भुवनेश्वर पंचाट (संदर्भ संख्या 18/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.01.2025 को प्राप्त हुआ था।

[सं. एल-42011/1/2019--आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th January, 2025

S.O. 20.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2019) of the **Central Government Industrial Tribunal cum Labour-Bhubaneswar**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Central Institute of Fresh Water Aquaculture, Kausalyagang, Bhubaneswar, Orissa, and The General Secretary, CIFA ShramikSangh, Kausalyaganga, Bhubaneswar-(Orissa)**, which was received along with soft copy of the award by the Central Government on 08.01.2025.

[No. L-42011/1/2019– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 18/2019

Date of Passing Order – 30th September, 2024

Between:

The Director,
Central Institute of Fresh Water Aquaculture,
P.O. Kausalyagang,
Bhubaneswar, Orissa – 751 002.

... 1st Party-Management.

(And)

The General Secretary,
CIFA ShramikSangh,

At./Po. Kausalyaganga,
Bhubaneswar (Orissa) – 751 002.

... 2nd Party-Union.

Appearances:

None. ... For the 1st Party-Management.
None. ... For the 2nd Party-Union.

ORDER

In the present case, a reference was received from the Deputy Director to the Government of India, Ministry of Labour New Delhi vide order No. L-42011/1/2019 – IR(DU), dated 11.02.2019 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

“Whether the action of the management of CIFA, ICAR, Bhubaneswar in not implementing the recommendation of 7th CPC in favour of 34 workmen (As AkshayaBhoi & 33 others, list enclosed) who have been getting the wage benefit as per 6th CPC based on the principle of equal wages for equal work is legal and/or justified? If so, what relief the concerned workmen are entitled?”

2. In the reference order, the Deputy Director, Ministry of Labour, New Delhi commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

3. Despite directions so given, no statement of claim is received from the 2nd party-Union.

4. On receipt of the above reference, notices were sent to the 2nd Party-Union on 31.07.2019, 26.12.2019 and on dated 05.09.2023 for appearance and for filing of statement of claim. Neither the postal article sent to the 2nd Party-Union, referred to above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred to above. Therefore, every presumption lies in favour of the fact that the above notices were served upon the 2nd Party-Union. Despite service of the notice, the 2nd Party-Union opted to abstain away from the proceedings. No claim statement was filed on its behalf. Thus, it is clear that the 2nd Party-Union is not interested in adjudication of the reference on merits.

5. Since the 2nd Party-Union has neither filed statement of claim nor has led any evidence so as to prove its cause against the Management, it is presumed that there is no claim of workman against the Management.

6. In view of such, no claim Order is passed by this Tribunal.

7. Let this order be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 8 जनवरी, 2025

का.आ. 21.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वरिष्ठ अधीक्षक, डाकघर अनुभाग, कोटा, के प्रबंधन के संबद्ध नियोजकों और चौथमल सुमन, कामगार, द्वारा-संयुक्त महासचिव, हिन्द मजदूर सभा छावनी, कोटा, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण कोटा, फोकन एसा औद्योगिक न्यायाधिकरण कोटा, पंचाट आई टी (केन्द्रीय)- 01@2002/1 हव्कब, 1 & 03@2014 को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.01.2025 को प्राप्त हुआ था।

[सं. एल-40012/121/2002-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th January, 2025

S.O. 21.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award I.T.(Central)- 01/2002/1 हव्कब, 1 & 03/2014 of the Industrial Tribunal Kota, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Senior

Superintendent, Post Office Section, Kota, and Chouthmal Suman, through-Joint General Secretary, Hind Mazdoor Sabha Cantonment, Kota, Worker which was received along with soft copy of the award by the Central Government on 08.01.2025.

[No. L-40012/121/2002 – IR (DU)]

DILIP KUMAR, Under Secy.

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U: k; k/kh' k] Je U: k; ky;] %dUnh; ½ dkV/k %j kt-½

पीठासीन अधिकारी: संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक: श्र.न्या.(केन्द्रीय)-01/2002(सीआईएस-03/2014)

(सीएनआर-आरजेकेटी060001312002)

दिनांक स्थापित: 25.09.2002

प्रसंग: भारत सरकार, श्रम मंत्रालय,

नई दिल्ली के आदेश

कं.एल-40012/121/2002(आईआर(डीओ)) दिनांक 03.09.2002

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)

औद्योगिक विवाद अधिनियम, 1947

मध्य

चौथमल सुमन पुत्र श्री प्रताप, द्वारा संयुक्त महामंत्री, हिन्द मजदूर सभा, बंगाली कॉलोनी, छावनी, कोटा

—प्रार्थी श्रमिक

एवं

प्रवर अधीक्षक, डाकघर खण्ड कोटा

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

श्री डी.आर. द्विवेदी

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री एस.पी. सोरल

v f/kfu. k

fn% 26-09-2024

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक vkn's k fnukd 03-09-2002 के द्वारा निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायालय को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

“Whether the action of the management of Sr. Supdt. of Post Office, Kota in dismissing the services of

Sh. Choth Mal Suman S/o. Sh. Pratap w.e.f. 6/7/93 is legal and justified ? If not, to what relief the workman is entitled ?^^

2- उक्त विवाद के न्यायालय में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर अपना स्टेटमेंट आफ क्लेम न्यायालय के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रार्थी को प्रवर अधीक्षक, डाकघर, कोटा खण्ड कोटा जिन्हें इस विवाद में आगे चलकर नियोजक शब्द से सम्बोधित किया जावेगा ने दिनांक 07.11.1985 से शाखा डाकपाल गागरोन (झालावाड़) के पद पर सेवा में नियोजित किया। नियोजक के यहां प्रार्थी का पिछला सेवाकाल संतोषप्रद रहा। नियोजक ने दिनांक 26/30.11.1987 के तहत प्रार्थी को विभागीय डाकतार कर्मचारी (सेवा आचरण) नियमावली 1964 के नियत 8 के अन्तर्गत अनुशासनात्मक कार्यवाही प्रस्तावित करते हुए ज्ञापन व इसके साथ अवचार अथवा कदाचार का आरोप पत्र भी संलग्न करके दिया था, जिसमें प्रार्थी पर आरोप लगाये थे कि दिनांक 16.03.1985 से 25.09.1985 तक अतिरिक्त विभागीय शाखा डाक पाल के पद पर कार्य करते हुए अधिक राशियों की निकासी करके 107/- रुपये अधिक भुगतान किया जाना बताया। दिनांक 27.11.1984 से 20.07.1985 तक की अवधि में 600/- रुपये का जाली भुगतान करके रकम का अस्थाई गबन किया जाना बताया। दिनांक 04.03.1985 से 02.07.1985 तक की अवधि में दिनांक 04.03.1985 को 20/- रुपये मूल्य वर्ग के खोले गये आवर्ती खाते को लेखा खाता के

तहत खोलना बताया, जो लेखा कार्यालय की अनुमति के बिना नहीं खोला जा सकता तथा दिनांक 05.06.1985 को अपने स्तर पर अंतिम भुगतान भी कर दिया। बैंक खाता संख्या 258758 की पास बुक में दिनांक 27.03.1985, 09.05.1985, 12.06.1985 एवं 02.07.1985 को 20/- रुपये प्रतिमाह की जमा प्रविष्टियां की, परंतु इस रकम को सरकारी हिसाब में लेकर नहीं लिया। प्रार्थी ने इसका उत्तर दिनांक 18.12.1987 को प्रस्तुत किया कि प्रार्थी को डाक तार विभाग के कार्य की कार्य प्रणाली की जानकारी नहीं थी और प्रार्थी को कार्य के संबंध में कोई कभी ट्रेनिंग भी नहीं दी गयी थी। झालावाड़ स्थित उसके उच्च अधिकारी ने ही आरोपों के संबंध में प्रार्थी को जवाब लिखवाया था और कहा कि मैं कहूँ जैसे लिख दें और गलतियों को स्वीकार कर ले, मैं तेरे पक्ष में इसका निर्णय करा दूंगा। प्रार्थी इस संबंध में समझता नहीं था, इस कारण जैसे उन्होंने कहा प्रार्थी ने कर दिया और जवाब लिखकर दे दिया। नियोजक ने प्रार्थी द्वारा आरोपों के संबंध में दिये गये उत्तर पर कोई ध्यान नहीं दिया और प्रार्थी पर आरोपित आरोपों की जांच प्रारम्भ कर दी। प्रार्थी पर आरोपित आरोपों की जांच प्रार्थी की मौजूदगी में नहीं हुई है। प्रार्थी को तो जांच कक्ष से बाहर बैठा दिया जाता था तथा प्रार्थी की गैर मौजूदगी में गवाहों की गवाही रिकार्ड की गई है। प्रार्थी को स्वयं का पक्ष प्रस्तुत करने एवं बचाव करने का अवसर प्रदान नहीं किया तथा नियोजक द्वारा कराई गई जांच न्याय के नैसर्गिक सिद्धांतों की अवहेलना करके की गई है, जिसमें प्रार्थी को दिनांक 06.07.1993 के आदेश द्वारा सेवा से पृथक किये जाने का दण्ड दे दिया है, जो अवैध है। प्रार्थी की कोई गलती नहीं रही, संपूर्ण आरोप असत्य व बेबुनियाद है। प्रार्थी को गलत तरीके से फंसाकर षडयंत्र रचकर आरोपित किया गया है। प्रार्थी को नौकरी से हटाये जाने से पूर्व किसी प्रकार का शौ कॉज नोटिस भी नहीं दिया गया है तथा जांच प्रतिवेदन की प्रतियां भी नहीं दी गई है। उक्त दण्डादेश के विरुद्ध प्रार्थी द्वारा विभागीय अपील की थी तथा दिनांक 01.07.1999 के पत्र के द्वारा पोस्ट मास्टर जनरल राजस्थान सर्दन रिजन अजमेर ने प्रार्थी की अपील को निरस्त किया है। प्रार्थी को सेवा से पृथक किये जाने का दण्ड अत्यंत कठोर है जो औद्योगिक विवाद अधिनियम की धारा 11ए के अन्तर्गत दण्ड को समाप्त करने व कम करने का व्यापक अधिकार प्राप्त है। अंत में प्रार्थी ने प्रार्थना की है कि प्रार्थी को पिछले संपूर्ण वेतन सहित सेवा में बहाली का अनुतोष प्रदान किया जावे।

3- अप्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि प्रार्थी दिनांक 07.11.1985 से प्रोविजनल तौर पर शाखा डाकपाल गागरोन, झालावाड़ के पद पर कार्यरत था बाद में प्रवर अधीक्षक कोटा के आदेश दिनांक 16.02.1989 से नियमित नियुक्त किया गया था। प्रार्थी ने धनादेश भुगतान में फर्जी भुगतान किया है और स्वयं 1904/- रुपये की फर्जी भुगतान गलती को स्वीकार कर दिनांक 19.04.1993 को राशि जमा की है। प्रार्थी द्वारा स्वेच्छा से गलती स्वीकार की है व जवाब दिया गया था फिर प्रार्थी द्वारा झालावाड़ डाकघर एम.ओ. नम्बर 1881/13 दिनांक 23.12.1992 श्रीमती रोडी बाई पत्नि स्वर्गीय श्री अमर लाल भील निवासनी ग्राम कोलाना पोस्ट गागरोन का श्री मोहनलाल एलआईसी एजेन्ट की गवाही लेकर मिलीभगत से धनादेश का भुगतान फर्जी अंगूठा निशानी रोडी बाई नाम की लगाकर गलत प्राप्तकर्ता को 1904/- रुपये का गलत भुगतान कर दिया तथा बाद में दिनांक 19.04.1993 को प्रार्थी ने स्वयं की गलती मानकर स्वेच्छा से 1904/- रुपया झालावाड़ डाकघर में जमा करा दिये। प्रार्थी को अतिरिक्त विभागीय एजेन्ट्स (सेवा आचरण) नियमावली 9164 के नियम 8 के तहत उक्त आरोप के लिये आरोप पत्र ज्ञापन संख्या एफ.61/93-94 दिनांक 13.09.1993 दिया गया। जांच में आरोप सिद्ध होने पर जांच रिपोर्ट की प्रति प्रार्थी को दिनांक 31.03.1994 से रजिस्टर्ड डाक द्वारा भेजी गयी जो दिनांक 09.04.1994 को प्राप्त हुई। इस पर प्रार्थी का जवाब दिनांक 02.05.1994 को प्राप्त होने पर और उसके द्वारा दिये गये गवाह सबूत प्रतिवेदन आदि पर विचार के बाद प्रतिपक्षी के ज्ञापन संख्या एफ. 6-1/93-94 दिनांक 13.06.1994 के आदेश से प्रार्थी को सेवा से निष्कासन कर दण्ड दिया गया। दण्डादेश के खिलाफ डीपीएस अजमेर के यहां अपील ज्ञान संख्या स्टॉफ 19-3/94-95 दिनांक 15.03.1995 से तथा पिटीशन पीएमजी अजमेर के ज्ञापन संख्या स्टॉफ 44-19 दिनांक 01.07.1994 द्वारा खारिज की गयी। जांच विधिवत की गयी है, यदि विधिवत जांच नहीं की गयी है तो न्यायालय द्वारा जांच करवाये जाने का निवेदन किया गया। प्रार्थी द्वारा विवाद काफी विलम्ब से उठाया गया है। प्रार्थी औद्योगिक विवाद अधिनियम 1947 के अन्तर्गत श्रमिक की परिभाषा में नहीं आता है क्योंकि प्रार्थी केन्द्रीय सिविल सेवक है। प्रार्थी अतिरिक्त विभागीय एजेन्ट था व उस पर अतिरिक्त विभागीय एजेन्ट सेवा आचरण नियमावली 1964 के नियम 8 के तहत नियमानुसार कार्यवाही कर जांच उपरांत दण्डादेश जारी किये गये थे, प्रार्थी इस कारण से औद्योगिक विवाद अधिनियम 1947 के अन्तर्गत श्रमिक की परिभाषा में भी नहीं आता है। अंत में स्टेटमेंट ऑफ क्लेम सव्यय खारिज किये जाने का निवेदन किया।

4- हस्तगत प्रकरण में विभागीय जांच के फेरनेस के संबंध में उभयपक्ष की बहस सुनी गई जिसमें अप्रार्थी पक्ष का कथन रहा है कि प्रार्थी की ओर से जो स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया है तथा जो रेफरेंस न्यायालय को प्राप्त हुआ है उसमें सेवा पृथकता दिनांक 06.07.1993 अंकित है जबकि अप्रार्थी की ओर से अपने जवाब स्टेटमेंट ऑफ क्लेम में प्रार्थी की सेवा पृथकता दिनांक 13.06.1994 अंकित की गयी है तथा इस संबंध में दस्तावेजी साक्ष्य व जांच पत्रावली भी प्रस्तुत की गयी है जिससे सेवा पृथकता दिनांक 13.06.1994 की पुष्टि की गयी है। इसलिए इस हस्तगत रेफरेंस को निर्णित करने का क्षेत्राधिकार "egkohj d.MDVj cuke uln fd'kkj &2003 McY; y l h j k t - 1/2 ; l i "B 424" तथा l j s k p l n z cuke t u j y e l u s t j k t - L V W f c r t , . M d U L V D ' k u d k l k j s k u & 2 0 0 2 3/3 McY; y l h j k t - 1/2 i s t 67 के न्यायिक दृष्टांतों में प्रतिपादित सिद्धांतों के अनुरूप इस न्यायालय को नहीं है और प्रार्थी का क्लेम प्रार्थना-पत्र खारिज किया जावे। इसके खण्डन में प्रार्थी की ओर से कोई अभिमत प्रकट नहीं किया गया परंतु अपने प्रकरण के समर्थन में न्यायिक दृष्टांत मद्रास हाईकोर्ट के चिदम्बरम बनाम तमिलनाडू राज्य व अन्य रिट पिटीशन संख्या 9853/1983 आदेश दिनांक 31.10.1988 प्रस्तुत की जिसका ससम्मान अवलोकन किया गया तथा उससे मार्गदर्शन प्राप्त किया गया।

5- ऐसे में न्यायालय को सर्वप्रथम यह तय किया जाना नितान्त आवश्यक है कि प्रार्थी चौथमल सुमन की सेवा पृथकता दिनांक स्टेटमेंट ऑफ क्लेम तथा रेफरेंस के अनुसार दिनांक 06.07.1993 है नहीं ?

6- सुना गया, पत्रावली का अवलोकन किया गया। उक्त स्टेटमेंट ऑफ क्लेम प्रार्थी पक्ष द्वारा प्रस्तुत कर अप्रार्थी द्वारा सेवा से हटाने के संबंध में नियोजक द्वारा fnukd 26@30-11-1987 के तहत प्रार्थी को विभागीय डाकतार कर्मचारी (सेवा आचरण)

नियमावली 1964 के नियत 8 के अन्तर्गत अनुशासनात्मक कार्यवाही प्रस्तावित करते हुए ज्ञापन व इसके साथ अवचार अथवा कदाचार का आरोप पत्र संलग्न कर दिया जाना तथा बाद जांच प्रार्थी को दिनांक 06-07-1993 ds vkn's k }kjk l ok l s i Fkd fd; s tkus dk n.M fn; s tkus dk dFku vius LVveW/ vknD Dye ea fd; k gS परंतु अपने उक्त कथनों के समर्थन में प्रार्थी द्वारा ऐसी किसी जांच जिसमें आरोप पत्र दिनांक 26/30.11.1987 तथा जांच आदेश दिनांक 06.07.1993 की प्रति प्रस्तुत नहीं की गयी है अपितु जो दस्तावेज प्रस्तुत किये गये हैं वे अप्रार्थी नियोजक द्वारा Kki u l a[; k , Q&6&1@93&94 fnukd 13-09-1993 ds }kjk tkp ifdz k vey ea yk; s tkus ftl ds i'pkr ckn tkp vi kFkhz fu; kstd }kjk Kki u l a[; k , Q&6&1@93&94 vkn's k fnukd 13-06-1994 dks tkjh fd; s tkuk ftl ea vi kFkhz fu; kstd }kjk ckn tkp i kFkhz pkFkey l eu dks Mkd foHkxh; , tUv Wl ok , oa vkpj. kZ fu; ekoyh 1964 ds fu; e 8 ds v/khu n's'kfl) ik; k tkdj i kFkhz pkFkey l eu] vfrfjDr foHkxh; 'kk[kk Mkdi ky xkxjku Wl W/ vknD M; W/hZ >kykokM+ dks l ok l s fu'dkl u ds n.M l s nf.Mr fd; k x; k gA इसके अतिरिक्त जो जांच पत्रावली न्यायालय के समक्ष पेश की गयी है, जो संलग्न है, वह भी ज्ञापन संख्या एफ-6-1/93-94 में जारी दण्डादेश दिनांक 13.06.1994 के संबंध में ही है। इसके अतिरिक्त पत्रावली पर ऐसी कोई साक्ष्य अवस्थित नहीं है जिसमें प्रार्थी द्वारा अभिकथित कथनों की पुष्टि होती है कि उसके विरुद्ध अप्रार्थी नियोजक द्वारा नियोजक द्वारा दिनांक 26/30.11.1987 के तहत प्रार्थी को विभागीय डाकतार कर्मचारी (सेवा आचरण) नियमावली 1964 के नियत 8 के अन्तर्गत अनुशासनात्मक कार्यवाही प्रस्तावित करते हुए बाद जांच दिनांक 06.07.1993 के आदेश द्वारा सेवा से पृथक किये जाने का दण्ड दिया गया हो। fnukd 06-07-1993 dks tkjh vkn's k dh i f'V ds l a[; k ea i=koyh ij dkbz ekf[kd o nLrkosth l k[; vofLFkr ugha gA इसके अतिरिक्त प्रार्थी की ओर से नियोजक द्वारा दिनांक 26/30.11.1987 के तहत प्रार्थी के विरुद्ध निष्पादित की गयी जांच जिसमें आदेश दिनांक 06.07.1993 द्वारा प्रार्थी को सेवा से पृथक किया गया, की जांच पत्रावली मंगाये जाने के संबंध में भी कोई प्रार्थना नहीं की गयी है। अपितु अप्रार्थी द्वारा जांच पत्रावली पेश करने हेतु प्रार्थना पत्र दिनांक 08.03.2011 प्रस्तुत किया गया जिसका जवाब प्रार्थी की ओर से प्रस्तुत किया गया, जिस पर आदेश दिनांक 09.12.2011 द्वारा जांच पत्रावली तलब किये जाने के आदेश प्रदान किये गये थे जिसके बाद जांच पत्रावली पेश हुई। अप्रार्थी द्वारा अपने जवाब स्टेटमेंट ऑफ क्लेम में स्पष्ट कथन किया है कि प्रार्थी को अतिरिक्त विभागीय एजेन्ट्स (सेवा आचरण) नियमावली 9164 के नियम 8 के तहत उक्त आरोप के लिये आरोप पत्र ज्ञापन संख्या एफ.61/93-94 दिनांक 13.09.1993 दिया गया। जांच में आरोप सिद्ध होने पर जांच रिपोर्ट की प्रति प्रार्थी को दिनांक 31.03.1994 से रजिस्टर्ड डाक द्वारा भेजी गयी जो दिनांक 09.04.1994 को प्राप्त हुई। इस पर प्रार्थी का जवाब दिनांक 02.05.1994 को प्राप्त होने पर और उसके द्वारा दिये गये गवाह सबूत प्रतिवेदन आदि पर विचार के बाद प्रतिपक्षी के ज्ञापन संख्या एफ. 6-1/93-94 दिनांक 13.06.1994 के आदेश से प्रार्थी को सेवा से निष्कासित किये जाने का दण्ड दिया गया। इस संबंध में प्रार्थी की ओर से कोई मौखिक व दस्तावेजी साक्ष्य प्रस्तुत नहीं की गयी कि प्रार्थी की सेवा पृथकता आदेश दिनांक 13.06.1994 के द्वारा नहीं अपितु 06.07.1993 हैं। इसके अतिरिक्त प्रार्थी द्वारा साक्ष्य स्वरूप जो दस्तावेज प्रस्तुत किये गये हैं वे भी आदेश दिनांक 13.06.1994 को पारित आदेश जिसमें उसे दिनांक 13.06.1994 से सेवा से बर्खास्त किया गया है, प्रस्तुत किये गये हैं।

7- इसके अतिरिक्त प्रार्थी ने अपने स्टेटमेंट ऑफ क्लेम में अभिकथित किया है कि प्रार्थी को सेवा से हटाने का जो दण्ड दिया गया उस दण्डादेश के विरुद्ध विभागीय अपील की थी तथा दिनांक 01.07.1999 के पत्र के द्वारा पोस्ट मास्टर जनरल राजस्थान सर्जन रिजन अजमेर ने प्रार्थी की अपील को निरस्त कर दिया। इसके संबंध में अप्रार्थी द्वारा जवाब स्टेटमेंट ऑफ क्लेम में स्पष्ट कथन किया गया है कि दण्डादेश के खिलाफ डीपीएस अजमेर के यहां i Lrr vihy Kki u l a[; k LVW 19&3@94&95 vkn's k fnukd 15-03-1995 l s [kfj t dh x; hA ऐसे में प्रार्थी द्वारा अपने सेवा i Fkdrk fnukd 06-07-1993 ds l a[; k ea vihy fnukd 01-07-1999 dks fujLr fd; s tkus ds rF; dh Hkh i f'V i=koyh ij vofLFkr l k[; l s ugha gkrh gS क्योंकि पत्रावली पर जो सेवा पृथकता आदेश दिनांक 13.06.1994 के संबंध में दस्तावेज संलग्न है, की अपील के संबंध में आदेश दिनांक 15.03.1995 संलग्न है, जिसके अवलोकन से स्पष्ट है कि प्रार्थी को अप्रार्थी नियोजक द्वारा दिनांक 13.06.1994 के आदेश द्वारा सेवा से बर्खास्त किया गया तथा जिसके संबंध में प्रार्थी की ओर से की गयी अपील पर आदेश दिनांक 15.03.1995 के द्वारा सेवा पृथकता आदेश दिनांक 13.06.1994 की पुष्टि की गयी। पत्रावली के साथ संलग्न जांच पत्रावली का अवलोकन करने से स्पष्ट है कि जो जांच प्रार्थी के विरुद्ध अमल में लायी गयी थी उसमें प्रार्थी द्वारा सम्यक रूप से भाग लिया है, ज्ञापन प्राप्त किया है, उसका प्रतिवेदन भी दिया है तथा दण्डादेश पारित होने के पश्चात उसकी अपील भी की गयी है परंतु i kFkhz }kjk tkp vkn's k fnukd 06-07-1993 ds }kjk l ok l s i Fkd fd; s tkus dk vdu fd; k x; k gS tcf d tokc LVveW/ vknD Dye] mHk; i {kdkjku dh vkj l s i Lrr nLrkotkr rFkk tkp i=koyh ea vofLFkr ey nLrkostkr ds voykdu l s i xV gS fd vi kFkhz fu; kstd }kjk Kki u l a[; k , Q&6&1@93&94 fnukd 13-09-1993 e; vucpl/ k i fke yxk; r prf[kl fn; k tkuk] ftl ds vuple ea tkp ifdz k vey ea yk; k tkuk] i kFkhz pkFkey l eu }kjk tkp ea Lo; a dh vkj l s fnukd 04-10-1993 dks rFkk fnukd 02-05-1994 dks tkp ds l nHkZ ea ifromu fn; k tkuk ftl ds i'pkr ckn tkp vi kFkhz fu; kstd }kjk Kki u l a[; k , Q&6&1@93&94 ds rgr tkp vf/kdkjh }kjk vius vkn's k fnukd 29-03-1994 ds }kjk vkjki fl) ik; s x; j ftl ij i xj v/kh {kd Mkd?kj} dks vk [k.M] dks vk }kjk vkn's k fnukd 13-06-1994 l s tkp vf/kdkjh dh tkp fjiksZ l s i Wkr; k l a[; k gkdj i kFkhz pkFkey l eu dks Mkd foHkxh; , tUv Wl ok , oa vkpj. kZ fu; ekoyh 1964 ds fu; e 8 ds v/khu n's'kfl) ik; k tkdj l ok l s fu'dkl u ds n.M l s nf.Mr fd; k x; k gA , l s ea i Lrr jQ ea i kFkhz dh l ok i Fkdrk fnukd 06-07-1993 , oa LVveW/ vknD Dye ea l ok i Fkdrk fnukd 06-07-1993 ds l a[; k ea i=koyh ij dkbz l k[; vofLFkr gkuk i xV ugha gS ftl ds dkj. k foHkxh; tkp ds Qs ju d ds l a[; k ea vkn's k fn; s tkus l s i xV i xj. k ds {k=kf/kdj dk fclnq gh mri lu gks tkrk gS fd i xj. k dk fuLrkj. k djus dk {k=kf/kdkj Hkh U; k; ky; dks gS; k ugha

8- पत्रावली के समग्र अवलोकन से प्रकट है कि प्रार्थी द्वारा प्रस्तुत स्टेटमेंट ऑफ क्लेम तथा न्यायालय को प्राप्त रेफ़रेस में प्रार्थी की सेवा पृथकता दिनांक 06.07.1993 का अंकन किया गया है tcf d m i j k D r f o o p u l s ; g L i " V i æ k f . k r g s f d i k F k h l d h l o k i F k d r k f n u k d 13-06-1994 g। फलतः यह बिन्दु स्पष्ट नहीं है कि यह न्यायालय कौनसी सेवा पृथकता दिनांक मानकर रेफ़रेस का निस्तारण करेगा। क्या यह न्यायालय प्राप्त रेफ़रेस तथा प्रार्थी पक्ष द्वारा बतायी सेवा पृथकता दिनांक 06.07.1993 के अनुसार अथवा जांच पत्रावली व दस्तावेजी साक्ष्य में अंकित की गयी सेवा पृथकता दिनांक 13.06.1994 के आधार पर प्रकरण का गुणावगुण पर निस्तारण कर सकता है अथवा नहीं? इस बाबत माननीय राजस्थान उच्च न्यायालय द्वारा पारित निर्णय ^egkohj d.MDVj cuke ulh fd'kkj &2003 McY; y l h k j k t - ½ ; w l h - i " B 424^ के पेरा नम्बर 12 में माननीय न्यायालय के द्वारा निम्न अभिमत प्रकट किया गया है:—"Thus, in view of the above, I reach the inescapable conclusion that the Labour Court has no competence to correct/modify/amend/alter the terms of the reference or mention the date of termination etc., or proceed with the reference and accepting the date of termination as suggested by the workman and in case it does so the award becomes nullity, being without jurisdiction, based on the bad reference."

9- उक्त न्यायिक दृष्टांत में दिये गये निर्णय के पेरा संख्या 11 में माननीय उच्चतम न्यायालय के द्वारा ^enuiky fl g cuke m R r j i n s k j k T ; , o a v l ; & , v k b M k j 2000 l i j h e d k v l i " B 537^ का उल्लेख भी किया गया है जिसमें माननीय उच्चतम न्यायालय के द्वारा यह मत व्यक्त किया गया है कि श्रम न्यायालय का क्षेत्राधिकार रेफ़रेस में अंकित बिन्दु तक ही सीमित होता है और उसे रेफ़रेस से परे जाकर पक्षकारों के नामों या तिथियों में किसी भी प्रकार का कोई परिवर्तन या संशोधन करने की अधिकारिता नहीं है। नामों व तिथियों में कोई परिवर्तन या संशोधन करवाना है तो पक्षकारों को समुचित सरकार के समक्ष अपना पक्ष रखकर इस बाबत कार्यवाही करवानी होगी।

10- अतः उक्त निर्णयों के प्रकाश में यह स्पष्ट है कि यदि रेफ़रेस आदेश तथा स्टेटमेंट ऑफ क्लेम में प्रार्थी की सेवा पृथकता दिनांक 06.07.1993 एवं साक्ष्य से साबित सेवा पृथकता दिनांक 13.06.1994 होकर भिन्न-भिन्न होने से न्यायालय क्लेम में अंकित सेवा पृथकता दिनांक को आधार मानकर निर्णय पारित नहीं कर सकता है क्योंकि ऐसा निर्णय क्षेत्राधिकार के अभाव का होगा और शून्य होगा। f y g k t k b l n f " V l s p l l d g L r x r j Q l l v k n s k , o a L V V e a / v k l D D y e e a m l s g V k u s d h f r f f k 06-07-1993 i j a r q o k L r f o d r k e a i k F k h l d h l o k i F k d r k d h f n u k d 13-06-1994 g। t k s v y x & v y x g। ऐसे में फिलहाल यह प्रकरण इस न्यायालय के क्षेत्राधिकार का होना नहीं पाया जाता है, परन्तु पक्षकार यदि समुचित सरकार से इस बाबत रेफ़रेस आदेश में संशोधन करवाकर न्यायालय में पेश करते हैं तो न्यायालय ऐसे रेफ़रेस आदेश पर विधि अनुसार कार्य कर सकता है।

i f j . k k e r % H k k j r l j d k j] J e e a k y ;] u b l f n Y y h d s i k l k f x d v k n s k f n u k d 03-09-2002 d s t f j ; s l E i f " k r f u n i k @ j Q l l f o o k n d k s b l h v u q i m R r f j r f d ; k t k r k g s f d वर्णित रेफ़रेस आदेश एवं स्टेटमेंट ऑफ क्लेम में प्रार्थी की सेवा पृथकता दिनांक 06.07.1993 तथा वास्तविकता में प्रार्थी की सेवा पृथकता 13.06.1994 होकर, अलग-अलग अथवा अस्पष्ट होना प्रकट है और स्टेटमेंट ऑफ क्लेम में अंकित तिथि को न्यायालय आधार मानकर निर्णय पारित नहीं कर सकता है क्योंकि ऐसे में रेफ़रेस आदेश में अधिनिर्णय पारित किया जाना शून्य एवं क्षेत्राधिकार के अभाव का होगा। पक्षकार यदि समुचित सरकार से प्रार्थी की सेवा से हटाने की तिथि बाबत रेफ़रेस आदेश में संशोधन करवाकर पेश करें तो प्रकरण में विधि अनुसार निस्तारण की कार्यवाही की जा सकेगी।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 26.09.2024 को खुले न्यायालय में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 9 जनवरी, 2025

का.आ. 22.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में d l n h ; l j d k j v k l k f x d v f / k d j . k - सह - J e l l ; k ; k y ; , हैदराबाद के पंचाट (पहचान l a [; k 104/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04@01@2025 को प्राप्त हुआ था।

[सं. एल-22012/159/2013-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 9th January, 2025

S.O. 22.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 104/2013**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **04/01/2025**.

[No. L-22012/159/2013 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 13th day of November, 2024

INDUSTRIAL DISPUTE No. 104/2013

Between:

The President (Bandari Satyanarayan),
Telengana Trade Union Council,
H.No.5-295, Indranagar, Opp. Bus Stand,
Mancherla -504208.

..... Workman /Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,,
Bellampalli Area, Goleti Township -504 292.
Adilabad Dist.

.... Respondent

Appearances:

For the Workman : Sri S. Bhagwanth Rao, Advocate

For the Respondent: Sri Y. Ranjith Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/159/2013-IR(CM-II) dated 11.11.2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O), Adilabad Distt. in terminating the services of Sri Amabati Chandraiah, Ex-coal Filler, Morganspit, SCC Ltd., Bellampalli Area with effect from 26.5.1998 is justified? If not, what relief the applicant is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 104/2013 and notices were issued to the parties concerned.

2. The averments made in the claim statement are as follows:

It is submitted that the Workman is appointed as an employee on 2-11-1987, and he was confirmed to his service and he become permanent employee during the course of service in the company. It is submitted that the Workman could not attend to his duties during the year 1997 due to his ill health, the Respondent issued a Show cause notice dated 25-5-1997 and the Workman submitted a reply dt 2-6-1997 and could not be considered by the Respondent Company and dismissed from service dated 21.5.1998. It is submitted that the Workman preferred an appeal to the Higher authorities that went in vain and mechanically upheld the orders of chief General Manager, Bellampalli. It is submitted that the Workman was put in 11 years of service without any red remark and the Workman has got still 20 years of service for superannuation. It is submitted that removal from service of the Workman, who has rendered more than 10 years of qualified service is arbitrary, illegal and against to the principles of natural justice and also against to the provision are governed by various standing orders of company. It is submitted that, the " Award And

Settlements" both are decrees in Industrial Disputes Act. There was a settlement from 1.1.1998 to 31.12.2000 before the Regional Labour Commissioner at Hyderabad those who were removed from 1-1-1998 to 31-12-2000, cases can be considered by the Management as per the circular P. 40 /5911/IR/33, dt 10-3-2000, workman was called for interview on 16-11-2002 and the workman is successfully attended the interview, so the case of the workman is not considered for re-employment-as per settlement. If the workman was given employment he could have been put in more than additional 12 years of service. the non-consideration of Workman is very bad in law and against settlement by the company. It is submitted that Respondent did not conduct enquiry properly and no subsistence allowance is paid and Respondent obtained thumb impressions on enquiry report by the Workman and enquiry and workman do not know English language and enquiry conducted by the Respondent without mentioning contents therein. after removal from the service by the Respondent, the workman and children of workman are fallen on roads with untold sufferings. The relationship between the workman and Respondent is still continuing and the workman has not reached the age of superannuation. It is therefore prayed to direct the Respondent to reinstate the workman into service with continuity and other attendant benefits and with full back wages.

3. **Respondent filed counter denying the averments of the Workman as under:**

The contention of the Workman that he was appointed on 02.11.1987 and was confirmed as permanent employee and is governed by the Standing Orders of the Company are all borne by record and the Respondent has no say over the same. It is submitted that the Workman has not filed any single document especially his appointment letter and conformation letter which are available with him in proof of his contention. It is submitted that because of the delay on the part of the Workman, the relevant documents pertaining to the case of the Workman could not be located, since the Morganspit Mine, where the Workman worked while in service was closed in the year 2000, ie, 16 years back and the old records are not available. Since, the records concerned are also available with the Workman, the Workman may kindly be directed to file all such relevant documents, on which the Workman intends to rely upon in leading his case. The contention that the Workman could not attend to duties in the year 1997 due to ill health is not true and correct. Not a single document was filed establishing his illness. In this regard, the workmen have to approach the respective Hospitals of the Respondent Company, which are located near the mines where the workmen were employed and get treatment and due certification of their illness. It is not open to the employee to rely upon outside medical treatment without specific advice of the Respondent Company, as in several cases these certificates are obtained only to get over the unauthorized absenteeism of the workmen. It is submitted that when the Company Hospitals are of the view that more expert treatment is required to any workman, then at Respondent's cost, such patient workmen are referred to super specialty hospitals located in Hyderabad and in such event, the workman need not incur any financial expenditure. However, no such concurrence or advice of the Medical Department of the Respondent Company has been filed. The Workman is a habitual absentee and was not having interest in the post he was working. The Workman clearly admitted that a show cause notice was issued on 25.05.1997 to which he filed reply on 02.06.1997 and he was dismissed from service vide order dated 21.05.1998. The further allegation of the Workman that his appeal to higher authorities was also went in vain and the higher authorities mechanically upheld the orders of Chief General Manager, Belampalli is denied and the Workman is put to strict proof of the said allegation. It is submitted that he has filed an appeal to the higher authorities and the same could not yield any result and the orders of the General Manager-Respondent No.2 were mechanically upheld is not correct. It is submitted that the Workman has put in 11 years of service and still has 20 years of service goes against very case of the Workman that he had rendered meritorious service and indulged in unauthorized absenteeism and hence there is no merit in trying to take any mileage of his service in the Respondent Company. The other contention that the Circular dt. 10.03.2000 should have been taken into consideration in reinstating the Workman is without any merit as he could not come within the parameters of the said circular nor the Workman has taken any care to file a copy of such circular details of his case, as to how the said circular applies to his case. It is submitted that no proper enquiry was conducted, no subsisting allowance was paid and he does not know English language, the Workman cannot agitate at this point of time. Further, the payment of subsistence allowance arises only, if the Workman is suspended pending enquiry, as per the provisions of the Standing Orders of the Company. As the Workman was not suspended, question of payment of subsistence allowance does not arise at all. Further, pension claim of the Workman was also settled. It is submitted that the children of the Workman are suffering, it should have been kept in mind by the Workman before exercising his illegal act of unauthorized absenteeism. Had the Workman not indulged in unauthorized absenteeism, he would have been continued in service and earned promotions and enjoyed happy married life and would not have allowed the children suffer as stated. If due to dismissal of the Workman, his family members are suffering, he should have been careful in attending his duties while in service. That the Workman has not made out any case for interference of the Court. It is submitted that since no records could be located pertaining to the Workman's case, because of long delay, this Respondent is unable to file any documents along with counter. Therefore, prayed to dismiss the claim petition as devoid of merits.

4. Perused written arguments filed by Respondent.

5. **On the basis of pleadings of both the parties, following issues are to be determined:-**

- I. Whether the departmental enquiry held against workman is legal and valid?
- II. Whether, present industrial dispute is bad for delay and inordinate delay and latches?

III. Whether the action of Respondent in terminating the services of the workman vide order dated 21.5.1998 is justified?

IV. To what relief if any the workman is entitled for?

Findings:-

6. Point No.I:- Workman in his claim statement has submitted that Respondent did not conduct the enquiry properly and no document was given to the workman. Further, it is submitted that Respondent obtained thumb impression on the enquiry report and conducted the enquiry. As the workman does not know the English language and enquiry was conducted by the Respondent without mentioning the contents therein and in violation of the principles of justice. Therefore, prayed to decide the validity of domestic enquiry as a preliminary issue.

7. On the other hand, it is contended that because of the delay on the part of the workman in raising the industrial dispute, the relevant documents pertaining to the case of the workman could not be located since the Morganspit mine, where the workman worked while in service was closed in the year 2000, i.e., 16 years back and the old records are not available. Further, it is contended that in spite of the best efforts the records could not be located and the efforts to locate the documents were still on. Further, it is contended that since the record concerned was also available with the Workman and he may kindly be directed to file all such relevant documents on which the workman intends to rely upon the leading his case.

8. Perused the record. The docket reveals that Respondent has filed his counter on 21st April 2016 and he sought time to file the documents but as the matter of dispute has been raised by the workman after long time. Therefore, despite of best efforts, documents pertaining to the enquiry of the workman could not be traced out. Further, record reveals that a memo dated 20.8.2019 was filed by the Respondent before the Tribunal with the contention that Morganspit Mine, where the workman had last worked, has been closed during the year 2001 and about 12 years from the date of closure of the mine and about 15 years from the date of dismissal, workman has raised industrial dispute with inordinate delay in time. Since the Mine was closed long back, hence records are not traceable in the office due to long span of time has elapsed. However, the available documents have been filed herewith. Further, it is contended that relevant documents were also issued to the workman and workman could have filed documents along with his claim statement. It is submitted that workman be directed to submit the relevant records to prove his case. Further, it is contended that Respondent company is making effort to search the documents and as and when they are traced out it will be filed on record. The perusal of record reveals that workman has challenged his dismissal order dated 21.5.1998 in the year 2013 after elapsed of long period of 15 years and due to closure of the mine, the documents were not traceable in the Respondent office. Since the original documents have been lost or not traceable due to long span of time elapsed, it was the duty of the workman to file the documents to substantiate his claim made in the claim statement. But despite sufficient opportunity, accorded, the workman could not file any document to substantiate his claim pertaining to legality and validity of domestic enquiry.

9. However, Respondent has filed the copy of the dismissal order dated 21st May, 1998 which goes to reveal that chargesheet was served to the chargesheeted Workman and despite service of the chargesheet, the workman did not submit his explanation. Therefore, enquiry was conducted and workman attended the enquiry and after extending the full and fair opportunity of hearing to workman to defend his case, the Enquiry Officer has submitted his report finding workman guilty of the charges under Standing Order No.25.31. Thereafter, the copy of enquiry report was also supplied to the workman. The Workman failed to submit any document or explanation to disprove the contents of the dismissal order dated 21st May, 1998. However, the Departmental Enquiry held against workman has also been held legal and valid vide order dated 4.2.2020. Therefore, in view of the above, it is held that the domestic enquiry held against the workman was legal and valid.

The issue is decided against the Workman and in favour of the Respondent.

10. Point No.II:- The Learned Counsel for Respondent submitted that the present industrial dispute has been raised by the workman with inordinate delay of 15 years from the date of his dismissal and the same cannot be entertained in view of the provision of ID Act. Therefore, prayed that the claim of the workman is liable to be dismissed on this count alone. Further, it is contended that the workman has filed petition under Section 2A(2), whereas workman has to approach the court within three years of his dismissal/termination. Admittedly, workman did not approach this Court against dismissal order within stipulated time of three years, hence, the present petition has been filed with the delay of 15 years from the date of dismissal and liable to be dismissed on the ground of delay and laches.

11. The record reveals that the Workman has not furnished any explanation in his claim statement regarding the inordinate delay of 15 years in raising the industrial dispute. Admittedly, workman was dismissed from services by the Respondent vide order dated 21.5.1998 and the reference for adjudication has been made to this Tribunal vide order dated 11th November, 2013. There is a delay of about 15 years in raising the industrial dispute and workman has not furnished any plausible explanation in his claim statement for such inordinate delay in raising the industrial dispute. Therefore, in the instant case, the industrial dispute has been raised by the workman with an inordinate delay of 15 years and such an inordinate delay in raising the dispute it will cause prejudice to the Respondent to defend the

case due to long period elapsed and he may not have record pertaining to the matter in his possession due to loss or damage done to it.

12. In this context, I would like to make reference of few decisions of the **Hon'ble Supreme Court**, where it has been held that, if the industrial dispute is raised after an inordinate delay of 8 to 12 years, such a dispute is not maintainable.

In K R Reddy Vs. Industrial Tribunal-II, Hyderabad, Hon'ble Court held:

"The Supreme Court extensively considered the scope of relevant provisions and precedent decisions. The Supreme Court held that there was inordinate, unexplained delay in referring the dispute."

In Assistant Engineer, CAD, Kota and Dhan Kumwar, CA No.6473, 2006 III LLJ, the Hon'ble Apex Court held:

"workman raising the dispute eight years after termination of service –relief by Labour Court should not have been granted to workman."

In the case of Haryana State Co-operative Land Development Bank and Neelam, 2005 I LLJ, the Hon'ble Apex Court held:

"Though no time limit prescribed for raising industrial dispute, but stale claim, could not be entertained – approaching Labour Court after delay of more than 7 years. Held:- justified refusal of relief in this case."

Therefore, in view of the ongoing decisions, and also settled law laid down by Hon'ble Court, I am of the view that industrial dispute raised by workman after inordinate delay of 15 years is bad and not maintainable due to delay and laches in raising the industrial dispute.

This point is answered against the workman and in favour of Respondent.

13. Point No.III:- Now, dealing with the matter on merit, in the instant matter, the workman in his claim statement has submitted that he was appointed on 2.11.1987 in Respondent Company and was confirmed in the service. Further, it is submitted that workman did not attend to his duties during the year 1997 due to his ill-health and Respondent issued a show cause notice dated 25th May 1997 and Workman has submitted reply dated 2nd June, 1997. But his reply was not considered by the Respondent company and he was dismissed from Service vide order dated 21.5.1998. Therefore, it is submitted that order of the removal of workman from service was rendered as illegal and against the principles of natural justice.

14. On the other hand, Respondent has contended that the submission of the Workman that he could not attend the duty in the year 1997 due to ill-health is not true and correct. It is contended that not a single document has been filed which establishes the fact of illness. Further, it is contended that in the case of illness the workman has to approach the respective hospitals of Respondent company which are located near the mines where the workmen were employed and get treatment and certification of illness. It is not open to the employee to rely upon outside medical treatment and without specific advice of the Respondent company as, in several cases, these certificates are obtained only to get over the unauthorised absenteeism of the workmen. When the company hospitals are of the view that more expert treatment is required to any workman, then at Respondent's cost such a patient Workmen are referred to super specialty hospitals located in Hyderabad and in such event, the Workman need not incur any financial expenditure. However, no such concurrence or advice of the medical department of the Respondent company has been filed to show that the workman required any expert treatment leave alone the proof of his having attended the company hospital has been filed. The Workman was a habitual absentee and was not having interest in the post he was working. Further, it is contended that workman clearly admitted that a show cause notice was issued on 25.5.1997 to him and to which he filed reply on 2.6.1997 and he was dismissed from service on 21.5.1998. However, not a single document with regard to the show cause notice or the reply or even his dismissal letter has been filed by the workman in proof of his allegations. Further, the workman has also appealed to higher authorities and order of dismissal has been upheld.

15. In view of the submissions of the Learned Counsels of both parties, perused the record. Workman has not filed any documentary evidence to substantiate his claim that he was absent from duties due to illness. No medical certificate from competent medical authority has been filed to substantiate his claim. Moreover workman has not submitted any explanation as to why he did not report sick at the hospital of the Respondent company. Admittedly, he remained absent from duty without any sanctioned leave or sufficient cause for the alleged period during the year 1997 and that amounts to misconduct under Standing Order No.25.25 and 25.31 as extracted below-

25.25: "Habitual late attendance or habitual absence from duty without any sufficient cause.

25.31: Absence from duty without sanctioned leave or sufficient cause for over staying beyond sanctioned leave."

16. As regards, habitual absentee employee from duty without any sufficient cause, Hon'ble Apex Court have laid down the principles in number of cases. Few of the decisions are quoted below:-

In State of U.P. Vs. Ashok Kumar Singh 1996 (1) SCC 302, the Hon'ble Apex Court have held:-

"Having notices the fact that the first respondent has absented himself from duty without level on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."

In North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 Hon'ble Apex Court have held:-

"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly."

In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Hon'ble Apex Court have held:

"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."

Therefore, in view of the settled law laid down by Hon'ble Apex Court and provision contained in standing orders, the workman remained absent from duty habitually without sanctioned leave or without any sufficient cause. Hence, he has been rightly held guilty of misconduct under the Company's Standing Orders No. 25.25 and 25.31.

17. As far as the question of interference by Tribunal in the finding and order of disciplinary authority is concerned, I would like to refer the decisions of Hon'ble Apex Court as discussed below:-

In the case of State of Bikaner & Jaipur Vs. Nemi Chand Nalwaya in Civil Appeal No.5861/2007 dated 1.3.2001 is relevant. Therein the Hon'ble Apex Court have held:-

"6. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic Enquiry, nor interfere on the ground that another view is possible on the material on record. If the Enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. Courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."

In State of U.P. v. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276], Hon'ble Apex Court have held:-

"the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating: 'It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."

Further, in the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhai, the 2022 LLR page 126, wherein the Hon'ble Apex Court held:**

"once the Enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."

Further, in the case of **State of Rajasthan Vs. Heem Singh, Civil Appeal No.3340/2020, (supra) Hon'ble Apex Court have held:-**

33. *In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary Enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."*

Therefore, in view of the fore gone discussion and settled law laid down by the Hon'ble Apex Court as discussed above, in the instant matter I do not find any ground or occasion to interfere in the finding or order of dismissal passed by Disciplinary Authority. Therefore, the order of dismissal dated 21.5.1998 passed by Disciplinary Authority is held legal and justified.

Thus, Point No.III is answered accordingly.

18. **Point No.IV:** In view of the finding given in Point Nos. I,II & III, the claim petition of the Workman is devoid of merits, and he is not entitled to get any relief, hence, same is liable to be dismissed.

Thus, Point No.III is answered accordingly.

ORDER

The action of General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township(P.O), Adilabad Distt. in terminating the services of Sri Amabati Chandraiah, Ex-coal Filler, Morganspit, SCC Ltd., Bellampalli Area vide order dated 21.5.1998 with effect from 26.5.1998 is held justified. As such, the workman is not entitled to any relief as prayed for. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 13th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Workman
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जनवरी, 2025

का.आ. 23.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में d\lnh; I j dkj v\k| kfxd vf/kdj.k - सह - Je ll; k; ky; , हैदराबाद के पंचाट (पहचान I a[; k 20/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04@01@2025 को प्राप्त हुआ था।

[सं. एल-22012/4/2012-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 9th January, 2025

S.O. 23.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 20/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **04/01/2025**.

[No. L-22012/4/2012 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 13th day of November, 2024

INDUSTRIAL DISPUTE No. 20/2012

Between:

The State General Secretary

(Sri Revelli Rajaram)

Singareni Coal Mines Labour Union (INTUC),

INTUC Bhavan, Godavarikhani.

Karimnagar Dist.A.P.-505209.

..... Petitioner/Union

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

GDK-8 Inc., Colony (P.O.),

Karimnagar Dist.A.P.- 505 211.

.... Respondent

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy , Advocates

For the Respondent: Sri Y. Ranjith Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/4 / 2012-IR(CM-II) dated 18.4.2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-II Area, Godavarikhani in terminating the services of Sri Thalla Mogilaiah, Ex.General Mazdpr/Acting LHD Operator, GDK-9 Inc., Ramagundam-II Area with effect from 25.7.2001 is justified or not? To what relief the concerned workman is entitled?”

The reference is numbered in this Tribunal as I.D No.20/2012 and notices were issued to the parties concerned.

2. The averments made in the claim statement are as follows:

It is submitted that, Sri Thalla Mallaiah was a member of Singareni Coal Mines Labour Union (INTUC). The concerned workman was initially appointed on 22-12-1983 in the Singareni Collieries Company Limited and was converted as General Mazdoor at GDK-9 Incline. It is submitted that, three kinds of workmen will be working in the Singareni Collieries Company Limited, such as, monthly rated employees, daily rated employees and piece rated employees. The post of General Mazdoor falls under the daily rated category. The nature of duties of General Mazdoor are, wherever there is a requirement of daily rated employee, General Mazdoors will be posted to work in such daily rated categories. Amongst the daily rated categories, General Mazdoor is the lowest cadre i.e. Category-I,

whereas, many other daily rated categories, such as, Coal Cutter, Timberman, Hauler Operator, LHD Operator, etc. all the above categories are higher cadres and will be paid higher wages than that of the category of General Mazdoor. Whenever, a General Mazdoor is posted to work in higher categories, they will be paid officiating allowance. Besides, those officiating musters would be calculated for their promotion to the higher categories. The higher daily rated categories would be filled in, on regular basis only basing on the more number of officiating musters put in by the General Mazdoors. As a General Mazdoor, the concerned workman has worked as LHD Operator for more than 9 years i.e. from 1990 to 1999. It is submitted that, though the concerned workman has put in more number of officiating musters, his case was not considered for promotion to the post of LHD Operator on regular basis, whereas, many others, who are juniors to the concerned workman, who have got less number of officiating musters as LHD Operators namely, Md.Kareem, Sattaiah, Burella Komraiah, etc. were conferred with promotion as LHD Operators on regular basis. It is submitted that aggrieved by the discriminatory attitude on the part of the authorities of the Respondent, workman has approached the authorities on several occasions requesting to promote him as LHD Operator, but in vain. While so, workman was constrained to approach the Hon'ble High Court of AP by filing W.P.No. 10963 of 2000, seeking promotion along with other similarly situated persons, which is still pending. As the workman has approached the Hon'ble High Court of AP, seeking justice, having developed a grouse, workman was not permitted to perform his duties. Though, he has approached the authorities requesting to consider his case for performing his duties. It is submitted that, as a result of the arbitrary action of the authorities of the Respondent in not conferring promotion and also not permitting him to perform his duties, the concerned workman was subjected to great mental agony and he became sick and he has undergone treatment in several hospitals. In the meanwhile, Respondent stated to have issued a charge sheet alleging unauthorized absenteeism. But, no such charge sheet was served on the workman, even then, by conducting an ex parte enquiry, workman was dismissed from service w.e.f. 25-07-2001 vide office order No.P.RG.I/TM1570, dt.24-07-2001. It is submitted that as the workman was not aware of either issuance of charge sheet or issuance of office order of dismissal from service, he could not agitate the matter. When workman came to know about the issuance of impugned office order dt.24-07-2001, he has approached the Respondent and submitted a representation dt.22-10-2010 categorically pleading all the factual aspects. It is submitted that workman has also pleaded that, he was attacked with paralysis and was admitted in Singareni Area Hospital, Ramagundam Area and was even referred to NIMS, Hyderabad, for treatment in June, 2010. After he was discharged from NIMS, the workman approached the authorities for further treatment. At that juncture, i.e. in October, 2010, he was informed that his services have already been terminated. Union initiated the conciliation proceedings, which ended in failure, resulting in the present reference. It is submitted that the workman's inability to attend for his duties was not willful on his part. It is submitted that as he was undergoing treatment in various out station hospitals, he was not aware of either issuance of charge sheet or publication made by the Respondent in the newspaper, hence, he could not participate in the enquiry. It is submitted that Respondent stated to have published the notice of enquiry in the Vaartha News Paper dt.15-03-2001, but concerned workman had no knowledge about the same. Had the Respondents followed the rules scrupulously, the workman could have participated in the enquiry or at least he could have approached the Respondents informing the factum of his ill-health and also he could have made a request to postpone the enquiry. It is submitted that workman is the lone earning member of his family, as a result of his dismissal from service, workman and his family members are left with no source of livelihood. The contention of the Respondents that there were no extenuating circumstances to take a lenient view is also factually incorrect. It is submitted that but for his sickness concerned workman could have attended for duties regularly. In these circumstances, if this Hon'ble Court comes to a conclusion that enquiry conducted by the Respondents is proper and the charges alleged against the concerned workman are rightly held proved, even then, concerned workman craves indulgence of this Hon'ble Court to modify the punishment of dismissal from service is totally disproportionate and excessive in nature. As such, the workman pray this Hon'ble Court to modify the punishment from dismissal to that of any other lesser punishment by exercising powers conferred under Section 11A of ID Act, thereby providing another opportunity to the concerned workman, to secure bread to himself and his family members, consisting of his wife and children. It is therefore prayed to direct the Respondent to reinstate the workman into service with all consequent benefits.

3. Respondent filed counter denying the averments of the Petitioner as under:

It is submitted that workman was initially appointed in the Company as Badli filler on 22.12.1993, and later was drafted as General Mazdoor (Underground). While working at GDK.9 Incline, Godavarikhani, RG-II Area he was issued with a chargesheet vide Lr. No.Gdk-9/2001/CS/19, dated 07.02.2001 under Company's Standing Orders No. 25.31 for the misconduct committed by him which reads as follows:

25(31): Absence from duties without sanctioned leave or sufficient cause or over staying beyond sanctioned leave.

It is submitted that charge sheeted workman was not attending his duties continuously for a long time, as such the charge sheet was sent to his native address by Registered post with Acknowledgement due. However, the Registered post containing the charge sheet was returned undelivered by the postal authorities. Therefore, the chargesheet-cum-enquiry notice was published in the Telugu daily news paper 'VARTHA' dated 15.03.2001, advising the workman to attend the enquiry in the Office of the Colliery Manager, Gdk-9 Incline on 28.03.2001 at 10.00AM to defend his case and informing that if he fails to attend the enquiry the enquiry proceedings will be held Ex-parte. However, in spite of

giving fair and full opportunity to the charge sheeted workman he did not attend enquiry on 28.03.2001, nor did he sent any intimation expressing his inability in attending the enquiry, as such the enquiry was held ex-parte following the principles of natural justice. The Presenting Officer and the management witness attended the enquiry and deposed their evidence which was duly recorded by the Enquiry Officer. Further, the documentary evidence was produced by the management to substantiate the charges leveled against the charge sheeted workman in the enquiry. The Enquiry Officer on the basis of the evidence adduced in the enquiry and after appreciating all the evidence, submitted his report in which the charge sheeted workman was held to be guilty of the charges leveled against him under Company's Standing Order No.25.31. The Show Cause Notice No P.RG.II/TM/1179, dated 25.05.2001 along with the enquiry proceedings and enquiry report was sent to his native address with Registered Post, advising him to submit his representation if any, against the findings of the enquiry report, within seven days in receipt of the letter. It is submitted that delinquent workman acknowledged the receipt of the same but did not submit any representation. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings, and after evaluating all the evidence on record concurred with the findings of the Enquiry Officer, and as the charges framed and proved in the enquiry were grave and serious in nature warranting punishment with that of dismissal, and after considering his past record found no extenuating circumstances to take a lenient view, the delinquent workman was dismissed from Company's Services with effect from 25.07.2001 vide letter No. RG./TM/1570, dated.24.07.2001. It is submitted that the concerned workman was very irregular and continuously absented from duty from 23.06.2000, and put in only 99 attendances in the year 2000 and remained absent from duty without sanctioned leave, sick or sufficient cause. Further, the workman did not inform or communicate the reasons of his absence to the mine authorities at any point of time, which clearly establish the fact that he was not interested in his job. The workman failed to correct himself even though ample time was given from the time of issue of charge sheet till his dismissal and continued to remain absent from duty unauthorized. It is submitted that the whenever there is a requirement to engage workmen for daily rated jobs in the absence of the permanent workmen, the General Mazdoors are engaged on this higher category jobs and acting allowance will be paid to them. The workman was engaged to work as LHD Operator as and when required, and higher category wages of LHD Operator was paid to him. Further, as per the Company's guidelines when ever daily rated vacancies are to be filled, the acting musters from the panel of the workman who are engaged on that particular job will be taken into consideration. The allegation of the petitioner that the concerned workman has worked as LHD Operator for more than 9 years i.e. from 1990 to 1999 is not correct. It is submitted that while filling up of vacancies in daily rated jobs are done as per guidelines, based on acting musters put in by the workman concerned in that particular job. Further, before issuing the office order, the details of the acting particulars of all the workmen, who were engaged on that particular job will be displayed on the Notice Board inviting objections if any, within the time specified before releasing the promotion order. As such, the allegations of the petitioner that though the concerned workman has put in more number of officiating musters, his case was not considered for promotion as LHD Operator and juniors to him with less number of musters were promoted as LHD Operators is baseless, hence denied. Further, it is submitted that the concerned workman along with two others filed a Writ Petition No.10963 of 2000 in the Hon'ble High Court, challenging the action of the management in regularizing the LHD Operators, and ignoring the petitioners seniority while giving LHD Operator promotions. The Hon'ble High Court of Judicature of AP dismissed the petition vide Order dated 26.11.2010. As such, the allegation of the petitioner that the Writ Petition is still pending is false, hence denied. Further, the allegation of the petitioner that the he was not permitted to perform his duties by the authorities and he became sick and took treatment in hospitals is equally false, hence denied. If the workman was really suffering from ill health nothing prevented him from joining in Company Hospital for treatment. In which case, other than availing medical facilities the workman will be kept on the sick rolls of the Company, hereby the period he is under treatment will not be reckoned as unauthorized absent from duty. However, the workman neither approached the office nor communicated the reasons for his absence from duty to the mine authorities at any point of time. It is submitted that a copy of the dismissal letter was displayed on the notice board at the mine, but the workman did not submit any representation. As such, the allegations of the petitioner that the concerned workman was not aware of the issuance of charge sheet or dismissal order is not maintainable. It is submitted that the workman after his dismissal from the services of the Company on proved charges, approached the Company Area Hospital on 02.08.2010 for treatment. As his name was still figured in the Hospital Information System, even after his dismissal necessary medical facilities were extended to him, and as his condition was deteriorating he was referred to NIMS and Image Hospitals Hyderabad on emergency basis for further treatment by Ambulance on 06.08.2010. However, as he was not eligible for referral to higher centre in Hyderabad for medical treatment after his dismissal, an amount of Rs. 1,86,672/- was recovered towards medical charges incurred by the Respondent from his terminal benefits. As such, the allegations of the petitioner that the concerned workman was admitted in Singareni Hospital and even referred to NIMS, Hyderabad for treatment has no relevance to the case. As such, the allegations of the petitioner that the concerned workman after obtaining the copy of the dismissal letter approached the Respondent and pleaded all the aspects is not correct. It is submitted that the concerned workman should have been more careful and conscious of his responsibilities, if he is the sole bread winner to his family. Further, as to the allegations of the petitioner that as a result of his dismissal his whole family is without livelihood, it is the workman himself who has to be blamed for this situation, with his negligent behavior towards his job. The workman should have realized his responsibilities towards his family members and also as an employee in Respondent Company and should have attended his duties regularly. It is submitted that the Respondent's Company

employs more than 61,000 persons, and the production results will depend upon the overall attendance and performance of each and every individual. They are inter-linked and inseparable as Hon'ble Supreme Court of India continuous unauthorized absenteeism will have serious repercussions on the functioning of the underground mines, as already planned work schedules get suddenly disturbed without prior notice and production and performance will get affected, resulting in financial loss and liability to the Company besides effecting the safety of mine and persons working therein. Thus, absenteeism is a serious misconduct and the management is compelled to take appropriate action against the unauthorized absentees on proved charges. In the instant case, the workman concerned is one such unauthorized absentee. Therefore, in this circumstances as stated supra, the punishment of dismissal justified the gravity of misconduct proved. Hence, prayed to dismiss the claim petition as devoid of merits.

4. Heard arguments of Learned Counsels for both the parties as well as perused written arguments.

5. **On the basis of rival pleadings of both the parties following points emerge for determination in the instant matter:-**

- I. Whether the departmental enquiry held against the workman is legal and valid?
- II. Whether the dismissal order passed by the Respondent against the Workman with effect from 25.7.2001 is justified?
- III. To what relief if any the workman is entitled?

Findings:-

6. **Point No.I:-** The departmental enquiry has been held legal and valid vide order dated 31.7.2023 by the Tribunal. Therefore, this point is answered accordingly.

7. **Point No.II:-** In the instant matter, Workman has filed claim statement seeking relief to declare the impugned office proceeding No.P.RG.II/TM/1570 dated 24.7.2001 issued by Respondent as illegal and arbitrary. But the record of enquiry proceeding reveals that there is no such order dated 24.7.2001 whereby the Workman has been dismissed from service. It was the order dated 23.7.2001 passed by General Manager, Ramagundam Area-II, whereby the Workman has been dismissed from service with effect from 25.7.2001. Therefore, as per record, the relief clause of the claim statement as submitted by the Workman is defective. Further, in the instant matter Workman has challenged his dismissal order from service with effect from 25.7.2001 passed by Respondent for misconduct of workman under Company's Standing Order No.25.31. Workman submitted that the charge sheet was not served upon him by the Enquiry Officer before conducting the enquiry and dismissal order was passed on the basis of Ex-parte Enquiry. Further, it is submitted that he has not received any communication from Respondent and Respondent is put to strict proof of the same, that they have sent the charge sheet to the Workman.

8. Per contra, Respondent has contended that the charge sheeted Workman was not attending duties continuously for a long time, as such, charge sheet was sent by registered post with acknowledgement due. However, the registered post containing the chargesheet was returned undelivered by the postal authorities. Therefore, charge sheet cum enquiry notice was published in Telugu daily newspaper Vartha dated 15.3.2001, advising the Workman to attend enquiry in the Office of the Colliery Manager, GK 9 Incline on 28.3.2001 at 10:00 AM to defend his case informing that if he fails to attend the enquiry, the enquiry proceedings will be held ex-parte. Further, inspite of giving fair and full opportunity to the chargesheeted Workman, he did not attend enquiry on 28/3/2001. Further, it is submitted that the enquiry was conducted ex-parte on 28.3.2001 adhering to principles of natural justice. The Presenting Officer and the management witness deposed their evidence which was duly recorded by the Enquiry Officer. Further, the documentary evidence was produced by the management to substantiate the charges levelled against the chargesheeted Workman in the enquiry. On the basis of the evidence adduced in the enquiry and after appreciating all the evidence submitted, the Enquiry Officer submitted his report in which the charge sheeted Workman was held to be guilty of charges levelled against him under Company's Standing Order No.25.31. Further, it is submitted that the show cause notice dated 25.5.2001 along with the enquiry proceedings and enquiry report was sent to his native address with registered post advising him to submit his representation, if any against the findings of the enquiry report. The delinquent Workman acknowledged the receipt of the same but did not submit any representation. Further, it is submitted that Disciplinary Authority after going through the entire enquiry proceedings and after evaluating all the evidence on record concurred with the findings of the Enquiry Officer and as the charges framed and proved in the enquiry were grave and serious in nature, warranting punishment with that of dismissal and after considering his past record, found no extenuating circumstances to take a lenient view. The delinquent Workman was dismissed from Company's services with effect from 25.7.2001. Further, it is submitted that the concerned Workman was very irregular and continuously absented from duty from 23.6.2000 and put in only 99 attendances in the year 2000 and remained absent from duty without sanctioned leave, sick or sufficient cause. Further, it is submitted that the Workman did not inform, communicate the reasons of his absence to the Mine authorities at any point of time, which establishes the fact that he was not interested in his job.

9. In view of the submissions made by Learned Counsels for both parties, perused the record of enquiry proceeding. As per charge sheet, the Workman was absent from duty without sanctioned leave, sick or sufficient cause from

23.6.2000 upto the date of charge sheet 7.2.2001. Further, it reveals from the record that the Workman has put in only 99 attendances in the year 2000 and remained absent from duty without sanctioned leave or sufficient cause. Workman has taken the plea that charge sheet was not served upon him and enquiry was conducted ex-parte. The record of enquiry proceeding would reveal that the charge sheet was sent to the Workman's address by registered post acknowledgment due at the address of the Workman, available in the office record and the registered post returned with the endorsement that the Postman attempted to deliver the charge sheet for 7 times at the given address of the Workman and thereafter the registered post was returned to the sender undelivered. It clearly goes to show that workman avoided the service of charge sheet. The record of the enquiry proceeding further goes to reveal that the enquiry was initiated on 28/3/2001 by the Enquiry Officer and the Statement of witness Sri Y. Hanumantha Rao, Office Superintendent was recorded and he has deposed in his statement that the Workman Sri T. Mogilaiah, General Mazdoor remained absent from duty continuously from 23.6.2000 without sanctioned leave or sufficient cause till the date of issue of the charge sheet dated 7.2.2001. Further, witness deposed that charge sheet dated 7.2.2001 was sent to the workman by registered post acknowledgement due at his last known address of the Workman, available on office record, but the envelope containing charge sheet cum enquiry notice was returned undelivered "7 days absent hence returned to the sender." The management has also published a paper notification of Charge sheet cum enquiry notice in the largest circulated Telugu daily newspaper Vartha on 15th March 2001 advising the Workman to attend the enquiry on 28th March 2001 at 10:00 AM along with his witnesses, to defend his case if any, at the office of Colliery Manager, GDK 9 Incline, before the Enquiry Officer. Further witness has deposed that Workman did not inform Enquiry Officer of his inability to attend the enquiry. The witness has also proved the undelivered and returned registered post acknowledgement due envelope containing the charge sheet and enquiry notice. Thus, it is established that Workman remained absent from duties from 23.6.2000, till the date of charge sheet. The charge sheet and inquiry notice was sent to workman by registered post A/D, at the address given in the office record, Workman did not turn up in response to the notice. Thus, it is presumed that the notice sent by registered post A/D has been served upon the recipient. However, Respondent management has also published the notice in Telugu newspaper Daily newspaper dated 15th March 2001. Therefore, the plea of Workman that chargesheet was not served upon him before conducting the enquiry is untenable. However, it is not the case of the Workman that the chargesheet was not sent at his correct address. Therefore, plea of the Workman of non-serving the chargesheet is untenable.

10. Further, Workman has taken the plea that his inability to attend the duty was not willful on his part and in fact for quite sometime authorities of the Respondent at GDK 9 Incline have not permitted the Workman to perform his duties as he has filed a Writ petition before the Hon'ble High Court of AP seeking justice. Later, the concerned Workman became sick and bedridden. Further, it is submitted that as a result of the mental agony being suffered by the Workman, the factor of publication was also could not be observed by the workman.

11. On the other hand, Respondent has contended that the concerned Workman was not attending his duties continuously for a long time without sanctioned leave, sick or sufficient cause in the year 2000. The Workman failed to atleast inform or communicate the reasons of his absence to the Mine authorities at any point of time. Further, Respondent contended that the chargesheet was returned undelivered by the postal authorities. Therefore, chargesheet cum enquiry notice was published in Telugu daily newspaper Vartha on 15.3.2001. Respondent has contended that delinquent Workman neither attended the enquiry nor communicated his inability to attend the Enquiry, as such, the enquiry was held ex-parte. Further, it is contended that the allegation of the petitioner that he has not received any charge sheet and not observed the publication or received show cause notice is not correct. Further, the allegation that because he has filed petition before the Hon'ble High Court, he was not permitted to perform his duties is also not true, hence denied. The Workman is put to strict proof of the same.

12. The perusal of the record reveals that the Workman has not produced any documentary evidence to substantiate his contention that the Respondent did not permit him to perform his duty, because he has filed petition before the Hon'ble High Court seeking justice. Further, workman has not submitted any documentary evidence of his illness during the absence period from duty as alleged in the charge sheet. Therefore, the plea of the workman in this respect is not acceptable for the want of any evidence.

13. The perusal of the enquiry proceedings reveals that in support of the chargesheet, the Respondent management has examined two witnesses Sri Y.I Hanumantha Rao and another one is Sri P Vijay Kumar, Pay sheet clerk, who have deposed during the enquiry that the Workman remained absent from 23rd June 2000 till the date of charge sheet without any cause or without any sanctioned leave and despite the fair opportunity of hearing accorded by Enquiry Officer, the Workman failed to avail it. Therefore, Enquiry Officer on appreciation of evidence recorded during the enquiry found workman guilty of the charges of Company Standing Orders No. 25.31. Thus, in view of fore gone discussion, I am of the opinion that there is no illegality or infirmity in the dismissal order dated 23.7.2001 of the Workman. As regards the nature of misconduct of the absenteeism from the duty, it is settled law that, it is a serious and grave misconduct for which the employer is under obligation to dismiss the delinquent employee. In this context, I would like to make reference of relevant decisions of Hon'ble Supreme Court which are discussed below:-

In State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Hon'ble Apex Court have held:-

"Having notices the fact that the first Respondent has absented himself from duty without level on several occasions,

we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."

In the case of North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 wherein, the Apex Court have held:-

"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly.

In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:

"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."

Thus, in view of settled law regarding misconduct of habitual absenteeism of workman from duty, in the instant matter also workman remained absent from duty for a long period without sanctioned leave, illness or sufficient cause and even he did not intimate about his absence from duty for the said period, hereby committed serious misconduct and has rightly been dismissed from service vide order dated 23.7.2001 w.e.f 25.7.2001. Therefore, in view of the fore gone discussion, I come to irresistible conclusion that the Workman has committed serious misconduct under the Company's Standing Order No.25.31 and the action of the Respondent Management in dismissing the services vide order dated 23.7.2001 is held justified.

Thus, Point No.II is decided accordingly.

14. **Point No.III:** On behalf of the workman, it is submitted that as a result of his dismissal from service, his family members are facing severe hardships and starvation, as he was the lone earning member of his family. The Workman and his family members are unable to have ladleful meal a day as the concerned Workman is out of service and they have been pulling on the days at the mercy of one and all. Workman is not able to provide education to his children and their education came to a grinding halt on account of penury of the concerned Workman. Further, it is submitted that if this Tribunal comes to a conclusion that enquiry conducted by the respondent is proper and the charges alleged against the concerned Workman are rightly been held proved, even then, concerned Workman craves indulgence of this Hon'ble Court to modify the punishment of dismissal from service, which is totally disproportionate and excessive in nature. Therefore, the Workman humbly prayed to modify the punishment of dismissal to any lesser punishment by exercising the power under Section 11A of I.D. Act.

15. On the other hand, Learned Counsel for Respondent contended that concerned Workman was very irregular and remained absent from duty continuously in the year 2000 without sanctioned leave, sick or sufficient cause. Further, the workman did not at least inform or communicate the reason for his absence to the Mine authorities at any point of time. The Workman failed to correct himself even though ample time was at his disposal from the time of issue of charge sheet till his dismissal and displayed the lack of seriousness and anxiety in his job and continued to remain absent from duty unauthorised. The allegation of the Workman that he is the lone earning member of the of his family and as a result of his dismissal they are facing hardship and he is not able to provide education to his children, does not lend any substance or valid ground for consideration. The Workman should have thought about his family and realised his responsibility towards his family members as well as the company and attended his duties regularly. Further, it is contended that concerned Workman after his dismissal on 25th July 2001 on proved charges, did not approach the office for settlement of his terminal benefits. However, after 10 years of his dismissal, he has submitted an application dated 16th February 2012 for settlement of his terminal benefits which was promptly settled and payment made to him and as such, there is no ground to consider his case for any leniency in the imposition of the punishment.

16. In this context, I would like to make reference of the decision of Hon'ble Supreme Court of India, in **State of Bikaner & Jaipur Vs. Nemi Chand Nalwaya in Civil Appeal No.5861/2007 dated 1.3.2001 the Hon'ble Apex Court have held:-**

"6. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic Enquiry, nor interfere on the ground that another view is possible on the material on record. If the Enquiry

has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. Courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations.

In view of the submission made by both the parties, I find no ground for interference in the order dated 23.7.2001 passed by Respondent management whereby workman has been dismissed w.e.f. 25.7.2001. Therefore, in view of the above and finding given at Points No.I and II, the workman is not entitled to any relief and petition is devoid of merit. Hence, liable to be dismissed.

ORDER

The action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-II Area, Godavarikhani in terminating the services of Sri Thalla Mogilaiah, Ex-General Mazdoor/Acting LHD operator, GDK-9 Incline, Ramagundam-II Area with effect from 25.7.2001 is held justified. The workman is not entitled to any relief as prayed for and hence, petition is dismissed. Reference is ordered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 13th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जनवरी, 2025

का.आ. 24.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में दलित; l j dkj vk\$ kfxd vf/kdj.k - सह - Je l; k; ky; , हैदराबाद के पंचाट (पहचान l a[; k 27/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04@01@2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 9th January, 2025

S.O. 24.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 27/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **04/01/2025**.

[No. L-22013/01/2025 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 4th day of November, 2024

INDUSTRIAL DISPUTE L.C.No. 27/2017

Between:

Sri N. Ramesh Babu,

S/o Late Sattaiah,

C/o A. Sarojana, Flat No.G7,

Ground Floor, Rajeshwari Gayatri

Sadan, Opp: Badruka Jr. College for Girls,

Kachiguda, Hyderabad.

.....Petitioner

AND

1. The Director (PA & W),
M/s. Singareni Collieries Company Ltd.,
Bhadradi Kothagudem District.
2. The General Manager (Personnel),
M/s. Singareni Collieries Company Ltd.,
Bhadradi Kothagudem District.
3. The Chief Medical Officer,
Main Hospital,
M/s. Singareni Collieries Company Ltd.,
Bhadradi Kothagudem District.

....Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

Sri N. Ramesh Babu, who worked as Senior Technician (Radiography) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding dated 12.4.2016 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

It is submitted that the Petitioner was appointed in the year 1987. While he was working as Senior Technician (Radiography), Petitioner was placed under suspension on 06-11-2014. Later, charge sheet dt. 10-11-2014 was issued alleging that, the Petitioner was involved in dubious medical unfit cases in devious cheating of illiterate/innocent coal mine employees unethically without any moral values and accepting bribes in terms of cash. Thereafter, the submissions made by him, an enquiry was initiated. It is submitted that, during the enquiry, the Petitioner was not given any opportunity, much less, valid in nature. The enquiry officer proceeded with a preconceived notion, as if, the Petitioner is guilty of charges. As a matter of fact, the charge is vague and was undefendable. Even the deposition of Presenting Officer vague. During the enquiry, no witness was examined on behalf of the Management to substantiate the charge and the Petitioner was not given any opportunity to lead evidence on his behalf. It is submitted that, the Enquiry Officer wholly relying upon the deposition of the Presenting Officer, treating him as management witness, concluded the enquiry. It is to submit that, the Presenting Officer cannot be treated as witness and the role of the Presenting Officer was only to introduce the relevant witnesses and produce the documents, mark and prove those documents, with relevant witnesses. In the instant case, basing on the sole evidence of the Presenting Officer, the documents were marked and those documents were treated as valid documents. It is submitted that, it is no more ares integra that, the statements recorded and documents collected during the preliminary enquiry are limited to form an opinion by the Disciplinary Authority, whether to issue charge sheet. Once, a decision is taken to conduct the regular departmental enquiry, the statements recorded and documents obtained during the preliminary enquiry become redundant. However, in the instant case, the statements recorded and documents collected during the preliminary enquiry by the Vigilance Department, were relied upon by the Presenting Officer and

also by the enquiry officer, though, none of the relevant witnesses connected with those documents were examined in confession statement on 17-10-2014. On receipt of charge sheet, the Petitioner has submitted his explanation, denying the charge. It is submitted that, while submitting reply to the charge sheet and also during the course of enquiry, the Petitioner has categorically pleaded that, the Vigilance authorities forcibly obtained the statements from him by threatening. Though such statement of the Petitioner was remained unrebutted, the enquiry officer proceeded with a presumption that, as there is a variation between the statement given to Vigilance and Petitioner's deposition during the enquiry, the unrebutted statement of the Petitioner made during the regular departmental enquiry need not be given any credence. It is to humbly submit that, ignoring the unrebutted statement given during the regular departmental enquiry, reliance cannot be placed on the statement obtained during the preliminary enquiry, that too, without examining the Vigilance Authorities. The above conclusion on the part of the enquiry officer clearly establish that, he has prejudged the issue. It is submitted that, it is no more a res integra that, the uncontradicted evidence need not be proved specifically. It is to submit that, a bare perusal of the report of the enquiry officer clearly establish that, though the deposition of the Petitioner was referred to in his report, but, it was not properly appreciated and wholly relying upon the deposition of the Presenting Officer and his own presumptions and assumptions, the enquiry officer held the charge as proved. It is to submit that, on conclusion of enquiry, show cause notice dt.26-08-2015 was issued along with the report of enquiry officer seeking the Petitioner to dismiss from service. On receipt of the same, Petitioner has submitted a detailed explanation dt.31.8.2015. Unfortunately, without considering his submissions, the Respondent passed an impugned order of dismissal dt.12.4.2016. It is to submit that, neither the Petitioner cheated any employee nor involved in any dubious medical unfit cases. Neither the Petitioner received any bribe nor indulged in violation of moral values unethically. It is to submit that, the evidence collected during the preliminary enquiry cannot be relied upon during the regular departmental enquiry, unless, the witnesses examined during the preliminary enquiry are produced in the regular departmental enquiry, giving an opportunity of cross examination. However, contrary to the above established principle of law, the enquiry officer proceeded to hold the charge as proved on the ground that, there is a contradiction between the statements recorded by the Vigilance Authorities and the statement recorded during the regular departmental enquiry. In the instant case, neither any witness was examined nor even the Vigilance Authorities were examined to rely upon the statements obtained during the course of preliminary enquiry. In this back ground, the finding of the enquiry officer that, as there is a variation between the statements recorded by the vigilance authorities and the statements recorded during the regular departmental enquiry, the charge is liable to be held proved is an absolute perverse finding and the impugned order of dismissal dt. 12-04-2016 issued basing on the perverse finding of the enquiry officer is also liable to be set aside. It is to submit that, the contention of the 2nd Respondent that, the Petitioner submitted a confession statement in writing on 17-10-2014 accepting his involvement in medical unfit cases, was obtained from the Petitioner under threat and coercion. However, during the course of enquiry, the Presenting Officer relied upon the documents along with a CD to substantiate his statement. During enquiry, Petitioner categorically pleaded and requested to furnish the names of those workers from whom he allegedly took bribes. Despite his request, the Presenting Officer contended that, as and when required the Management will produce the required evidences. It is to submit that, none of the workers from whom, the Petitioner allegedly collected bribes were examined. Because, there were no such workmen and the charge alleged was a mere fictitious and fabricated in nature. It is to submit that, Presenting Officer produced MEX 1 to MEX 4. It is to submit that, during the enquiry, Petitioner pleaded that, MEX 1 to MEX 4 were obtained by the Vigilance Personnel forcibly. It is to submit that, to substantiate the charge, the Presenting Officer relied upon MEX 5 which is a CD. However, during the course of enquiry, Petitioner denied that, it is not his voice and also pleaded that, the video recording was tampered and the video clip was not produced as a single clip, as shot. Even otherwise also, no witness was examined to mark the CD. Therefore, MEX.5 cannot be relied upon to substantiate the charge. Therefore, the findings of the enquiry officer are liable to be treated as perverse in nature and the impugned order of dismissal, which was issued basing on such perverse findings is liable to be set aside. It is to submit that, the Presenting Officer proceeded with a presumption merely reiterating the defense of the Petitioner, is sufficient. But, mere reiterating the defense is not sufficient, the enquiry officer is obligated to consider the defense of the charge sheeted employee, in an unbiased manner before arriving at a conclusion. It is to submit that, the Petitioner has rendered more than 28 years of service of unblemished service with the Respondents. The Petitioner is the sole bread winner in his family. As a result of his dismissal from service, Petitioner and his whole family members are facing lots of hardships and starvation. Petitioner is a Structure Committee member of TBGKS, Corporate Area. The Petitioner was awarded Best Workman Award by C & MD on 26-01-2011 In view of the above facts and circumstances, the impugned proceeding No. CRP/PER/IR/D/91/607, dt. 12-04-2016 issued by the 1st Respondent, is liable to be set aside and the Petitioner is liable to be reinstated into service, duly granting all other consequential benefits, such as, continuity of service, back wages and attendant benefits.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the Petitioner was dismissed on proved charges after conducting a detailed domestic enquiry duly following, the Principles of Natural Justice. I is prayed that this Hon'ble Tribunal may be pleased to decide the validity of domestic enquiry as a preliminary issue. In this regard, it is submitted to permit the Respondents to produce the evidence in case it is held that Domestic Enquiry is not valid. It is submitted that the while the Petitioner

was working as Senior Technician, Radiography in Main Hospital of Respondents' company at Kothagudem he was involved in dubious Medical Unfit cases devious cheating of illiterate/innocent coal mine workers unethically without any moral values and accepting bribes in terms of cash. The Petitioner submitted a confession statement to the Respondents' authorities in writing on 17.10.2014 accepting his involvement in dubious medical unfit cases. The above act of the Petitioner amounts to misconduct under Clause No.25(1) and 25(2) of Company's Standing Orders, which reads as hereunder:

25.1: Theft, fraud or dishonesty in connection with the employer's business or properly.

25.2: Taking or giving of bribes or illegal gratification whatsoever in connection with the employer 's business or in his own interest.

Since the charges leveled against the Petitioner was very serious and Grave in nature the Petitioner was issued Charge-Sheet No.CRP/MED//002/4875 dated 10.1.2014, and directed to submit his explanation in writing within 4 days of receipt of the Charge-Sheet. The Petitioner vide his letters dated 13.11.2014 and 17.11.2014 requested time for submission of his explanation. Finally the Petitioner had submitted his explanation on 17.12.2014, and his explanation was examined and found to be not satisfactory, hence an enquiry was ordered, and the Petitioner was advised to appear for the enquiry and bring all his witnesses and documents, if any, at the time of enquiry, to defend his case. It is submitted that the allegations made by the Petitioner in his claim statement are not true. The allegations that without considering the explanation submitted by the Petitioner in proper perceptive, an enquiry was initiated, during the enquiry, the Petitioner was not given any opportunity much less, valid in nature, the enquiry officer proceeded with presumptions as if the Petitioner is guilty of charges and neither the procedure of enquiry was explained nor the documents sought to be relied upon to substantiate the charge were supplied to the Petitioner are all false and are invented for the purpose of the present claim statement hence denied. The Enquiry was conducted on different dates about 28 times from 03.01.2015 to 03.07.2015 adhering to the Principles of Natural Justice. The Petitioner along with his defense assistant Sri G.K.Sampath Kumar attended and fully participated in the Enquiry and was given full and fair opportunity to defend his case. Before commencing the Enquiry proceedings, the Enquiry Officer had explained the enquiry procedure. The Petitioner having understood the procedure and at his free will took part in the Enquiry proceedings. Further, the documentary evidence was produced by the management in the presence of the Petitioner and his defense assistant to substantiate, the charges leveled against the Petitioner in the enquiry and explained in Telugu by the Enquiry Officer. All the proceedings were recorded in the presence of the Petitioner and the same were signed by the Petitioner along with presenting officer and the enquiry officer. It is submitted that the Petitioner submitted a confession statement to the Respondents' authorities in writing on 17.10.2014 accepting his involvement in dubious medical unfit cases. Now he cannot deny that the statement was given under force. It is submitted that the Enquiry Officer on the basis of evidence adduced and documents filed in the Enquiry and after appreciating all submitted his report in which the Petitioner was held to be guilty of the charges leveled against him under Clause Nos. 25(1) and 25(2) of Company's Standing Orders. As per the Report of the Enquiry Officer, the charges framed against hence a Show Cause Notice No.CRPMED/1/002/4834 dt.26.08.2015 along with a copy of the Enquiry Report and Enquiry proceedings were served to the Petitioner with an opportunity to represent, if any, within seven (7) days of receipt of the letter. The Petitioner has acknowledged the show cause notice and representation dt.31.08.2015. The records of the enquiry, its connected papers and the findings of the Enquiry Officer, have been carefully perused by the Disciplinary Authority and concurred with the findings of the Enquiry Officer that the Petitioner was found guilty of the misconduct under company's Standing Order Nos.25.1. The Disciplinary Authority also gone through the past records and representation dt.31.08.2015 of the Petitioner and found that there are no extenuating circumstances to take a lenient view. Hence, the Disciplinary Authority imposed the penalty of "Dismissal from Services" of the company vide proceedings No.CRP/PER/IR/D/91/607 dt. 12.4.2016 as the charges framed against the Petitioner have been proved and serious in nature with regards to misconduct. It is further submitted that the Petitioner approached the Conciliation Officer, ALC(C) at Hyderabad. The Conciliation Officer served a notice dated 12.07.2018 in case No. 1/08/2018-E2 directing to appear for conciliation proceedings on 26.07.2018, for which the management representative has appeared before the Authority. But the Petitioner failed to appear before the said Authority. When the conciliation proceedings are pending before the ALC (C) at Hyderabad, the petition is filed by the Petitioner U/Sec.2A(2) of ID Act, before this Hon'ble Court is not maintainable. It is submitted that the Petitioner has no immune to the disciplinary actions for the misconduct committed by him. The allegation that the Petitioner is the lone bread winner of his family, as a result of dismissal from service, not only the Petitioner but also his family members are put to great hardships and starvation and the Petitioner is no way responsible for the charges alleged are not true and correct, hence denied and Petitioner is put to strict proof of the same. The Respondents' company is a Government Company and has to abide by the Rules and Regulations, Standing Orders and take disciplinary actions without influenced by any personal sympathies. Hence, the action taken by the Disciplinary Authority as per Standing Orders and basing on Enquiry Report holds good.

4. On the basis of rival pleadings of both the parties following points emerge for determination in the present matter:-

I. Whether the departmental enquiry held against the workmen is legal and valid?

- II. Whether the action of Respondent management in terminating the services of the Petitioner vide proceeding No. CRP/PER/IR/D/91/607 dated 12.4.2016 is justified?
- III. To what relief, if any, Petitioner is entitled for?

Findings:-

5. Point No.I:- The perusal of the record reveals that Petitioner has filed memo not pressing the legality and validity of domestic enquiry conducted by the Respondents in this case and the same is accepted vide order dated 20.3.2019.

Thus, this point is answered accordingly.

6. Point No.II:- Petitioner in the instant case has challenged his dismissal order dated 12th April, 2016 on numerous grounds detailed below:-

a) That the Respondent management did not examine any witness during the enquiry except Presenting Officer in support of the charge. Presenting Officer is not a competent witness to prove the contents of the charge sheet against the workmen, therefore, the findings of the enquiry on the basis of evidence of the Presenting Officer is not legally acceptable and is vitiated on this very ground.

b) That the Petitioner was not extended the fair opportunity of hearing by Enquiry Officer and also not provided opportunity to lead the evidence in his defence.

c) That charge sheet served upon him is vague and undefendable. It is not known as to from whom the Petitioner has accepted the bribes from the workers and the details of alleged bribes i.e., the names of the workers from whom the Petitioner allegedly accepted bribes and how much amount was allegedly accepted by Petitioner in bribe, there is no detail in the charge sheet. It is settled law that if the charge sheet is vague and undefendable, finding of the enquiry is not sustainable in the eye of law.

d) The Respondent management has alleged that Petitioner has cheated workmen and collected bribes from them. This onus of proof lies upon the management to prove the charge alleged against the Petitioner by producing those workmen as witnesses from whom Petitioner allegedly collected the amount of bribe. However, mere filing of the documents is not sufficient to prove charge and these documents are required to be marked and proved during the enquiry through the evidence of the relevant witnesses. In the instant case, management did not examine any witness except recording the statement of the Presenting Officer. Therefore, the documents filed by the Respondent management in the enquiry i.e., MEx.1 to MEx.5 cannot be relied upon to substantiate the charges against the Petitioner.

e) It is submitted that in Catena of decisions of Hon'ble Supreme Court as well as the Hon'ble High Courts it has been held that the scope of preliminary enquiry and documents collected and statements recorded during the preliminary enquiry becomes redundant, once a decision is taken to conduct the regular department enquiry. It is contended that if the management wanted to rely upon the statements recorded during the preliminary enquiry, then such of those witnesses, who were examined in the preliminary enquiry should have been produced in departmental enquiry and giving opportunity to Petitioner Evidence for cross examination of these witnesses. The statement recorded during the preliminary enquiry can be relied upon in the departmental enquiry. However, Enquiry Officer has relied upon the statement recorded by the vigilance department i.e., MEx.1 to MEx.5, to hold the charge against Petitioner as proved, without even examining either the vigilance official or other witness.

f) Petitioner submits that it is no more a res integra that the statements recorded and documents obtained by the vigilance authorities are basically amounts to preliminary enquiry. Therefore, basing on those statements and documents, a charge sheet issued is not sustainable in the eye of law as no witness was examined during the enquiry to substantiate the charges.

7. On the other hand, Learned Counsel for Respondent contended that the enquiry against the workman was conducted according to principles of natural justice by affording him fair opportunity of hearing during the enquiry. Further, it is submitted that the enquiry was conducted on different dates from 3.1.2015 to 3.7.2015 and as many as 28 adjournments were granted in the enquiry. Further, it is contended that Petitioner attended and fully participated in the inquiry and he was given full and fair opportunity to defend his case. It is contended that before commencing the enquiry proceeding, Enquiry Officer had explained the enquiry procedure, the Petitioner having understood the procedure at his free will took part in the enquiry proceeding. The enquiry officer has examined presenting officer during the enquiry as management witness who has deposed his evidence in the presence of the Petitioner duly recorded by the enquiry officer. The documentary evidence was produced by the management in the presence of the Petitioner in support of the charge levelled against the Petitioner in the enquiry and same was explained in Telugu by the Enquiry Officer. All the proceedings were recorded in the presence of the Petitioner and same were signed by the Petitioner along with Presenting Officer and Enquiry Officer. Further, it is contended that Petitioner has submitted a confession statement dated 17.10.2014 to Respondent authorities in writing wherein he has accepted his involvement in the dubious Medical unfitness cases. Now, he cannot deny that this statement was given under force. Respondent

contended that the Enquiry officer on the basis of the evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the Petitioner has been held guilty of the charge levelled against him under the Company's Standing Order No.25.1 and 25.2. As per report of the Enquiry Officer, charges framed against the Petitioner were found proved and show cause notice dated 26.8.2015 along with a copy of the enquiry report and enquiry proceeding was served to the Petitioner with an opportunity to represent, if any, within seven days of the receipt of the letter. The Petitioner has acknowledged the show cause notice and submitted his reply dated 31.8.2015. The Disciplinary Authority has carefully examined the record of Enquiry and connected papers and findings of the Enquiry Officer and also past records and representation dated 31st August, 2015 and thereafter Disciplinary Authority came to the conclusion that there was no extenuating circumstances to take a lenient view. Hence, Disciplinary Authority has imposed the penalty of dismissal vide order dated 12th April 2016 as the charges framed against the Petitioner were proved with regard to his misconduct.

8. Further the document MEx.4 dated 5th November 2014 wherein charge sheeted employee states that for medical board cases, only from 3rd September 2014, after verifying Deputy CMO signature, we are putting employee code numbers on X ray film.

9. First and foremost argument advanced by the Petitioner is that departmental enquiry against the Workman was not conducted by following the principles of natural justice as the fair opportunity of hearing was not accorded to the Workman by the Enquiry Officer during the enquiry and he was not permitted to lead the evidence in defence.

10. On the other hand, Learned Counsel for Respondent contended that the enquiry was conducted against the charge sheeted employee by following the principles of natural justice and the delinquent workman was accorded the fair opportunity of hearing.

11. Perused the Record. On going the record of enquiry proceeding it would reveal that the charge sheet and documents were served upon the Workman and charge sheeted employee was accorded fair opportunity to cross examine the Respondent witnesses. Further, the charge sheeted employee has also examined himself in defence in evidence. Further, the record of enquiry proceeding also reflects that the charge sheeted employee has participated at every stage of the enquiry and he never raised any objection before the Enquiry Officer for causing any kind of prejudice caused to him. There is nothing to hold that domestic enquiry suffers from any procedural lapses or was conducted in violation of the principles of natural justice. The Enquiry Officer has submitted his reasoned report to the Disciplinary Authority on appreciation of oral and documentary evidence recorded in the enquiry proceeding. Therefore, the argument of the Petitioner that enquiry was not conducted in accordance with Principles of natural justice is untenable.

12. Further, the Petitioner vehemently argued that the Respondent management has not examined any witnesses in support of the charges levelled against him. Only the Presenting Officer has been examined to prove the charge against the Petitioner whereas the Presenting Officer is not a competent witness to prove charges against the Workman. Therefore, the finding of the Enquiry Officer in the enquiry report on the basis of evidence of Presenting Officer he is not legally acceptable and vitiated on this very ground.

13. The perusal of the record of enquiry proceeding reveals that Petitioner has been held guilty of the charge levelled against him under the Company's Standing Order No.25.1 and 25.2 for committing the misconduct of accepting and demanding the bribe from workers in the medical unfit cases. The Enquiry Officer in his report has relied upon the statement of the Presenting Officer as well as the documentary evidence, MEx.1 to MEx.4. The documentary evidence MEx.3 contains the confessional statement of the charge sheeted employee and therein he has admitted that the amount deposited into the account of his son has been made because he has made reports in medical unfit cases. The contents of the MEx.3 are extracted below:-

"I, Nagapuri Ramesh Babu, Slo. Sathaiah, Age 55, Occupation: Sr.X Ray Technician, Main Hospital, KGM, R/o. Q.No.MC-22, near Head Office KGM. I am giving the following written statement to G.M. Vigilance voluntarily and out of my free will.

In the past, as per the instructions of Vigilance Department, I have given Bank Statement particulars of my son Nagapuri Vamshi Krishna. In that regarding some doubtful deposits, I have given details relating to my account. Regarding some deposits I was not able to give proper information. Particularly details of deposits made into account of my son Vamshi Krishna are asked. Many deposits are made in GDK and SRP Areas.

Amounts deposited into account of my son are made because I have made for reports in medical unfit cases. This is true. The above facts are given by me voluntarily and out of my free will. There is no undue force on me and the facts are given out of my free will. I am liable for the facts stated in this statement. I wrote, signed this and giving this statement in presence of Vigilance officials."

Thus, from the perusal of the contents of MEx.3 reflects that Petitioner has admitted that the amount of bribes was deposited into the account of his son because he has made report in medical unfit cases of workers. Thereby he has admitted the allegation of bribe made in the charges levelled against him. Thus, there is ample evidence on record in support of charge against the Petitioner. The argument of the Petitioner that Respondent has not-examined witnesses in support of the charge has no force because confessional statement MEx.3 of Petitioner itself ample evidence to

prove charges against him. As regards applicability of Principle of Indian Evidence Act, in the matter of domestic enquiry, Hon'ble Supreme Court of India in its catena of decisions have held that in the case of domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility.

In the case of **State of Haryana Vs. Rattan Singh, 1977 SCC 491, the Hon'ble Apex Court have held:-**

4. It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act.

The simple point is, was there some evidence or was there no evidence not in the sense of the technical rules governing regular court proceedings but in a fair common-sense way as men of understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record."

Thus, in view of the Law laid down by the Hon'ble Supreme Court of India as discussed above, there is ample evidence on record in the form of MEx.3 in support of the charge levelled against the Petitioner. Petitioner has not challenged the genuineness of the document MEx.3, hence, it is admissible in evidence. Although Petitioner has advanced the argument that it was obtained by vigilance by intimidating him, but, I find no force in this submission. It is note worthy that Petitioner has submitted his written submission on 17.10.2014 and he never made a complaint to appropriate authority in this regard. Thus, it is inferred that document MEx.3 was given by Petitioner voluntarily out of his free will. Therefore, document MEx.3 is a reliable and cogent piece of evidence which is logically probative for a prudent mind to draw a conclusion that Petitioner has committed misconduct of demanding and accepting the bribes from workers in the medical unfit cases.

14. As regards, admissibility of the document MEx.3 containing the confessional statement of charge sheeted employee in evidence is concerned, the reference of the decision of Hon'ble Supreme Court in the case of SBI vs Hemant Kumar, AIR 2011 page 1890 is relevant. The facts of this case are:-

That the charge sheeted employee preferred appeal against his dismissal order and submitted a letter to Appellate Authority admitting his guilt with a prayer to Disciplinary Authority for taking a lenient view in his matter. But the appeal was dismissed by the Disciplinary Authority. Thereafter matter came up before the Industrial Tribunal and Tribunal held that departmental enquiry held against the charge sheeted employee suffers from violation of principles of natural justice and domestic inquiry held to be defective. Accordingly, the Industrial tribunal set aside the order of dismissal and directed the Respondent to reinstate the charge sheeted employee with full back wages. Thereafter matter came up before the Hon'ble Supreme Court of India in Appeal and Hon'ble Supreme Court have held,

"11. The second reason assigned by the Tribunal that the Enquiry Officer should have allowed the Respondent the opportunity to lead evidence in rebuttal is also without substance in the overall facts of the case. The Respondent had already tendered two admissions of guilt in writing and one orally before PW.1 and there was hardly anything that could be said on his behalf to repel the charges.

12. We are, therefore, satisfied that the Tribunal's findings are wholly unreasonable and perverse and fit to be set aside. The High Court, unfortunately, did not consider the matter as it should have, in light of the discussions made above. The High Court's order is equally unsustainable. We, accordingly, set aside the order passed by the High Court and the award made by the Tribunal."

15. Thus, in view of the law laid down by the Apex Court as discussed above i.e., the charge sheeted employee has also tendered his admission of guilt in MEx.3 and Enquiry Officer on the basis of MEx.3 has held the charge proved against the charge sheeted employee in his report. Petitioner has not produced any evidence to repel the charge against him before enquiry. Therefore, enquiry Officer has not committed any illegality by placing the reliance on documentary evidence i.e., MEx.3 in his report. Therefore, I find no force in the argument advanced by the Petitioner.

16. Further, the Petitioner has advanced the argument that charge sheet served upon him is vague and undefendable as it does not contain the details of the misconduct.

17. Perused the record. Admittedly, charges sheet was served upon the Petitioner and Petitioner has submitted his explanation to the charge sheet before the Disciplinary Authority. Further, Petitioner has also participated in the departmental enquiry at every stage of the enquiry proceeding and also cross examined Respondent witness. He never raised any objection before Enquiry Officer regarding vagueness of the charge sheet at any stage of the enquiry proceeding. In view of the above, I am unable to agree with the plea of Petitioner that charge sheet served upon

him was vague and undefendable. This is nothing but an afterthought of the Petitioner that is untenable.

18. Petitioner has taken another plea that Hon'ble Supreme Court of India and High Court in catena of decisions has laid down that the scope of preliminary enquiry and documents collected and statements recorded during the enquiry becomes redundant once a decision taken for departmental enquiry. But the Enquiry Officer has taken into consideration the statement of the witnesses recorded during the preliminary enquiry and opportunity to cross examine the witness was not afforded to the Petitioner.

19. Perused the record. Petitioner has also relied upon the decisions of Division Bench of High Court of AP in the case of **K David Wilson vs. Secretary, Government of India. Law Department (Legislative Affairs and Justice), Hyderabad and another, 2001(5) ALT 65(DB)** therein Hon'ble Court have held:-

"It is well settled that the disciplinary authority cannot make use of any material or evidence collected by it in the course of preliminary enquiry against the delinquent official unless those materials and evidence are produced and proved in accordance with law in the regular departmental enquiry and the delinquent employee is given a fair opportunity to meet those adverse materials and evidence. In the instant case this well settled rule governing departmental enquiry is completely breached. On that count also, the departmental enquiry conducted against the Petitioner is vitiated."

Further, the reliance has been placed on the decision of the Hon'ble Supreme Court in the case of **Nirmala Jhala Vs. State of Gujarat, 2013(4) SCC 301**, wherein Hon'ble Supreme Court have held,

"In view of above, it is evident that the evidence recorded in preliminary inquiry cannot be used in regular inquiry as the delinquent is not associated with it, and opportunity to cross-examine the persons examined in such inquiry is not given. Using such evidence would be violative of the principles of natural justice."

In Ayaubkhan Noorkhan Pathan v. State of Maharashtra & Ors., AIR 2013 SC 58, this Court while placing reliance upon a large number of earlier judgments held that cross-examination is an integral part of the principles of natural justice, and a statement recorded behind back of a person wherein the delinquent had no opportunity to cross-examine such persons, the same cannot be relied upon.

The preliminary enquiry may be useful only to take a prima facie view, as to whether there can be some substance in the allegation made against an employee which may warrant a regular enquiry."

20. Perused the record of enquiry proceeding. The record of enquiry goes to reveal that the Respondent has examined witness, Presenting Officer in support of the charge levelled against the Petitioner and witness has proved document MEx.1 to MEx.4 in evidence. Thus, the documentary Evidence MEx.1 to MEx.4 has been proved by witness in support of the charge. The execution of the document MEx.3 has not been denied by the Petitioner. Therefore, the Enquiry Officer has relied upon the MEx.3 in support of the charge levelled against the Petitioner. Thus, it cannot be said that the Enquiry Officer has taken into consideration the statement of the witness which was recorded in the preliminary enquiry. Therefore, the argument of the Petitioner in this regard is not acceptable.

21. As regards question of interference in the finding of the Enquiry Officer, by the Tribunal. Hon'ble Supreme Court in the number of its decisions has laid down that, "The court will not act as an appellate court and reassess the evidence lead in the domestic enquiry and it cannot interfere on the ground that another view is possible on record."

In this context the reference of the decision of **Hon'ble Supreme Court in the case of State of Bikaner & Jaipur Vs. Nemi Chand Nalwaya in Civil Appeal No.5861/2007 dated 13.2001** is relevant. Therein the Hon'ble Apex Court have held:-

"6. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic Enquiry, nor interfere on the ground that another view is possible on the material on record. If the Enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. Courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."

Thus, in view of the settled law laid down by the Hon'ble Supreme Court of India, in the instant matter, there is ample documentary evidence against the Petitioner to support the charge against him. It is not a case of no evidence against the Petitioner. Thus, I do not find any ground or occasion to interfere in the finding of the Enquiry Officer as well as in the dismissal order passed by the Disciplinary Authority. In view of the fore gone discussion I am of the considered view that the dismissal order of the Petitioner dated 12.4.2016 passed by Disciplinary Authority is justified.

Thus, this Point No.II is answered against the Petitioner and in favour of the Respondent.

23. **Point No.III**:-In view of the fore gone discussion at Point Nos.I & II, the petition is devoid of merit. Hence, Petitioner is not entitled to any relief.

Thus, Point No.III is answered accordingly.

AWARD

In view of the fore gone discussion and finding given at Points No. I, II & III, I am of the considered view that the action of the Respondent in terminating the services of the Petitioner Sri N. Ramesh Babu vide proceeding No.CRP/PER/IR/D/91/607 dated 12.4.2016 is justified. Hence, the Petitioner is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner deserves to be dismissed as devoid of merits. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 4th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जनवरी, 2025

का.आ. 25.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में
dlh; l j dkj vks| kfxd vf/kdj.k - सह - Je U; k; ky; , हैदराबाद के पंचाट (पहचान I a[; k 28/2017)
को प्रकाशित करती है, जो केन्द्रीय सरकार को 04@01@2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 9th January, 2025

S.O. 25.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 28/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.Ltd.** and their workmen, received by the Central Government on **04/01/2025**.

[No. L-22013/01/2025 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 14th day of November, 2024

INDUSTRIAL DISPUTE L.C.No. 28/2017

Between:

Sri Kodirekkala Jayaraju,
S/o Bala Swsamy,
C/o A. Sarojana, Flat No.G7,
Ground Floor, Rajeshwari Gayatri
Sadan, Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad.

.....Petitioner

AND

1. The Director (PA & W),
M/s. Singareni Collieries Company Ltd.,
Bhadradri Kothagudem District.
2. The General Manager (Personnel),
M/s. Singareni Collieries Company Ltd.,
Bhadradri Kothagudem District.
3. The Chief Medical Officer,
Main Hospital,
M/s. Singareni Collieries Company Ltd.,
Bhadradri Kothagudem District.

....Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

Sri Kodirekkala Jayaraju, who worked as Ex.Senior Assistant has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding dated 12.4.2016 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

It is submitted that the Petitioner was appointed in the year 1987. While he was working as Ex.Senior Assistant Petitioner was placed under suspension on 06.11.2014. Later, charge sheet dt. 10.11.2014 was issued alleging that, the Petitioner was involved in dubious medical unfit cases in devious cheating of illiterate/innocent coal mine employees unethically without any moral values and accepting bribes in terms of cash. Thereafter, without considering submissions made by him, an enquiry was initiated. It is submitted that, during the enquiry, the Petitioner was not given any opportunity, much less, valid in nature. The enquiry officer proceeded with a preconceived notion, as if, the Petitioner is guilty of charges. As a matter of fact, the charge is vague and was undefendable. Even the deposition of Presenting Officer vague. During the enquiry, no witness was examined on behalf of the Management to substantiate the charge and the Petitioner was not given any opportunity to lead evidence on his behalf. It is submitted that, the Enquiry Officer wholly relying upon the deposition of the Presenting Officer, treating him as management witness, concluded the enquiry. It is to submit that, the Presenting Officer cannot be treated as witness and the role of the Presenting Officer was only to introduce the relevant witnesses and produce the documents, mark and prove those documents, with relevant witnesses. In the instant case, basing on the sole evidence of the Presenting Officer, the documents were marked and those documents were treated as valid documents. It is submitted that, it is no more a res integra that, the statements recorded and documents collected during the preliminary enquiry are limited to form an opinion by the Disciplinary Authority, whether to issue charge sheet. Once, a decision is taken to conduct the regular departmental enquiry, the statements recorded and documents obtained during the preliminary enquiry become redundant. However, in the instant case, the statements recorded and documents collected during the preliminary enquiry by the Vigilance Department, were relied upon by the Presenting Officer and also by the enquiry officer, though, none of the relevant witnesses connected with those documents were examined in confession statement on 17-10-2014. On receipt of charge sheet, the Petitioner has

submitted his explanation, denying the charge. It is submitted that, while submitting reply to the charge sheet and also during the course of enquiry, the Petitioner has categorically pleaded that, the Vigilance authorities forcibly obtained the statements from him by threatening. Though such statement of the Petitioner was remained rebutted, the Enquiry Officer proceeded with a presumption that, as there is a variation between the statement given to Vigilance and Petitioner's deposition during the enquiry, the rebutted statement of the Petitioner made during the regular departmental enquiry need not be given any credence. It is submitted that, ignoring the rebutted statement given during the regular departmental enquiry, reliance cannot be placed on the statement obtained during the preliminary enquiry, that too, without examining the Vigilance Authorities. The above conclusion on the part of the enquiry officer clearly establish that, he has prejudged the issue. It is submitted that, it is no more a res integra that, the uncontradicted evidence need not be proved specifically. It is to submit that, a bare perusal of the report of the enquiry officer clearly establish that, though the deposition of the Petitioner was referred to in his report, but, it was not properly appreciated and wholly relying upon the deposition of the Presenting Officer and his own presumptions and assumptions, the Enquiry Officer held the charge as proved. It is to submit that, on conclusion of enquiry, show cause notice dt.26-08-2015 was issued along with the report of enquiry officer seeking the Petitioner to dismiss from service. On receipt of the same, Petitioner has submitted a detailed explanation dt.31.8.2015. Unfortunately, without considering his submissions, the Respondent passed an impugned order of dismissal dt.12.4.2016. It is to submit that, neither the Petitioner cheated any employee nor involved in any dubious medical unfit cases. Neither the Petitioner received any bribe nor indulged in violation of moral values unethically. It is to submit that, the evidence collected during the preliminary enquiry cannot be relied upon during the regular departmental enquiry, unless, the witnesses examined during the preliminary enquiry are produced in the regular departmental enquiry, giving an opportunity of cross examination. However, contrary to the above established principle of law, the enquiry officer proceeded to hold the charge as proved on the ground that, there is a contradiction between the statements recorded by the Vigilance Authorities and the statement recorded during the regular departmental enquiry. In the instant case, neither any witness was examined nor even the Vigilance Authorities were examined to rely upon the statements obtained during the course of preliminary enquiry. In this back ground, the finding of the enquiry officer that, as there is a variation between the statements recorded by the vigilance authorities and the statements recorded during the regular departmental enquiry, the charge is liable to be held proved is an absolute perverse finding and the impugned order of dismissal dt. 12-04-2016 issued basing on the perverse finding of the enquiry officer is also liable to be set aside. It is to submit that, the contention of the 2nd Respondent that, the Petitioner submitted a confession statement in writing on 25.10.2014 accepting his involvement in medical unfit cases, was obtained from the Petitioner under threat and coercion. However, during the course of enquiry, the Presenting Officer relied upon the documents along with a CD to substantiate his statement. During enquiry, Petitioner categorically pleaded and requested to furnish the names of those workers from whom he allegedly took bribes. Despite his request, the Presenting Officer contended that, as and when required the Management will produce the required evidences. It is to submit that, none of the workers from whom, the Petitioner allegedly collected bribes were examined. Because, there were no such workmen and the charge alleged was a mere fictitious and fabricated in nature. It is to submit that, Presenting Officer produced MEX 1 to MEX 4. It is to submit that, during the enquiry, Petitioner pleaded that, MEX 1 to MEX 4 were obtained by the Vigilance Personnel forcibly. It is to submit that, to substantiate the charge, the Presenting Officer relied upon MEX 5 which is a CD. However, during the course of enquiry, Petitioner denied that, it is not his voice and also pleaded that, the video recording was tampered and the video clip was not produced as a single clip, as shot. Even otherwise also, no witness was examined to mark the CD. Therefore, MEX.5 cannot be relied upon to substantiate the charge. Therefore, the findings of the enquiry officer are liable to be treated as perverse in nature and the impugned order of dismissal, which was issued basing on such perverse findings is liable to be set aside. It is to submit that, the Presenting Officer proceeded with a presumption merely reiterating the defense of the Petitioner, is sufficient. But, mere reiterating the defense is not sufficient, the Enquiry Officer is obligated to consider the defense of the charge sheeted employee, in an unbiased manner before arriving at a conclusion. It is to submit that, the Petitioner has rendered more than 28 years of service of unblemished service with the Respondents. The Petitioner is the sole bread winner in his family. As a result of his dismissal from service, Petitioner and his whole family members are facing lots of hardships and starvation. Petitioner is a Structure Committee member of TBGKS, Corporate Area. The Petitioner was awarded Best Workman Award by C & MD on 26-01-2011. In view of the above facts and circumstances, the impugned proceeding No. CRP/PER/IR/D/91/605, dt. 12-04-2016 issued by the 1st Respondent, is liable to be set aside and the Petitioner is liable to be reinstated into service, duly granting all other consequential benefits, such as, continuity of service, back wages and attendant benefits.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the Petitioner was dismissed on proved charges after conducting a detailed domestic enquiry duly following, the Principles of Natural Justice. It is prayed that this Hon'ble Tribunal may be pleased to decide the validity of domestic enquiry as a preliminary issue. In this regard, it is submitted to permit the Respondents to produce the evidence in case it is held that Domestic Enquiry is not valid. It is submitted that the while the Petitioner was working as Senior Assistant, in Main Hospital of Respondents' company at Kothagudem he was involved in dubious Medical Unfit cases devious cheating of illiterate/innocent coal mine workers unethically without any moral

values and accepting bribes in terms of cash. The Petitioner submitted a confession statement to the Respondents' authorities in writing on 25.10.2014 accepting his involvement in dubious medical unfit cases. The above act of the Petitioner amounts to misconduct under Clause No.25(1) and 25(2) of Company's Standing Orders, which reads as hereunder:

25.1: Theft, fraud or dishonesty in connection with the employer's business or properly.

25.2: Taking or giving of bribes or illegal gratification whatsoever in connection with the employer's business or in his own interest.

Since the charges leveled against the Petitioner was very serious and Grave in nature the Petitioner was issued Charge-Sheet No.CRP/MED/I/002/4876 dated 10.11.2014, and directed to submit his explanation in writing within 4 days of receipt of the Charge-Sheet. The Petitioner vide his letters dated 13.11.2014 and 17.11.2014 requested time for submission of his explanation. Finally the Petitioner had submitted his explanation on 17.12.2014, and his explanation was examined and found to be not satisfactory, hence an enquiry was ordered, and the Petitioner was advised to appear for the enquiry and bring all his witnesses and documents, if any, at the time of enquiry, to defend his case. It is submitted that the allegations made by the Petitioner in his claim statement are not true. The allegations that without considering the explanation submitted by the Petitioner in proper perspective, an enquiry was initiated, during the enquiry, the Petitioner was not given any opportunity much less, valid in nature, the enquiry officer proceeded with presumptions as if the Petitioner is guilty of charges and neither the procedure of enquiry was explained nor the documents sought to be relied upon to substantiate the charge were supplied to the Petitioner are all false and are invented for the purpose of the present claim statement hence denied. The Enquiry was conducted on different dates about 25 times from 03.01.2015 to 29.6.2015 adhering to the Principles of Natural Justice. The Petitioner along with his defence assistant attended and fully participated in the Enquiry and was given full and fair opportunity to defend his case. Before commencing the Enquiry proceedings, the Enquiry Officer had explained the enquiry procedure. The Petitioner having understood the procedure and at his free will took part in the Enquiry proceedings. Further, the documentary evidence was produced by the management in the presence of the Petitioner and his defense assistant to substantiate, the charges leveled against the Petitioner in the enquiry and explained in Telugu by the Enquiry Officer. All the proceedings were recorded in the presence of the Petitioner and the same were signed by the Petitioner along with presenting officer and the enquiry officer. It is submitted that the Petitioner submitted a confession statement to the Respondent authorities in writing on 25.10.2014 accepting his involvement in dubious medical unfit cases. Now he cannot deny that the statement was given under force. It is submitted that the Enquiry Officer on the basis of evidence adduced and documents filed in the Enquiry and after appreciating all submitted his report in which the Petitioner was held to be guilty of the charges leveled against him under Clause Nos. 25(1) and 25(2) of Company's Standing Orders. As per the Report of the Enquiry Officer, the charges framed against hence a Show Cause Notice No.CRP/MED/I/002/4835 dt.26.08.2015 along with a copy of the Enquiry Report and Enquiry proceedings were served to the Petitioner with an opportunity to represent, if any, within seven (7) days of receipt of the letter. The Petitioner has acknowledged the show cause notice and representation dt.31.08.2015. The records of the enquiry, its connected papers and the findings of the Enquiry Officer, have been carefully perused by the Disciplinary Authority and concurred with the findings of the Enquiry Officer that the Petitioner was found guilty of the misconduct under company's Standing Order Nos.25.1. The Disciplinary Authority also gone through the past records and representation dt.31.08.2015 of the Petitioner and found that there are no extenuating circumstances to take a lenient view. Hence, the Disciplinary Authority imposed the penalty of "Dismissal from Services" of the company vide proceedings No.CRP/PER/IR/D/91/605 dt. 12.4.2016 as the charges framed against the Petitioner have been proved and serious in nature with regard to misconduct. It is further submitted that the Petitioner approached the Conciliation Officer, ALC(C) at Hyderabad. The Conciliation Officer served a notice dated 12.07.2018 in case No. 1/09/2018-E2 directing to appear for conciliation proceedings on 26.07.2018, for which the management representative has appeared before the Authority. But the Petitioner failed to appear before the said Authority. When the conciliation proceedings are pending before the ALC(C) at Hyderabad, the petition as filed by the Petitioner U/Sec.2A(2) of ID Act, before this Hon'ble Court is not maintainable. The allegation that the Petitioner is the lone bread winner of his family, as a result of dismissal from service, not only the Petitioner but also his family members are put to great hardships and starvation and the Petitioner is no way responsible for the charges alleged are not true and correct, hence denied and Petitioner is put to strict proof of the same. The Respondents' company is a Government Company and has to abide by the Rules and Regulations, Standing Orders and take disciplinary actions without influenced by any personal sympathies. Hence, the action taken by the Disciplinary Authority as per Standing Orders and basing on Enquiry Report holds good. Therefore, it is prayed to dismiss the claim petition as devoid of merits.

4. On the basis of rival pleadings of both the parties following points emerge for determination in the present matter:-

- I. Whether the departmental enquiry held against the workman is legal and valid?
- II. Whether the action of Respondent management in terminating the services of the Petitioner vide proceeding No. CRP/PER/IR/D/91/605 dated 12.4.2016 is justified?
- III. To what relief, if any, Petitioner is entitled for?

Findings:-

5. Point No.I:- The perusal of the record reveals that Petitioner has filed memo not pressing the legality and validity of domestic enquiry conducted by the Respondents in this case and the same is accepted vide order dated 20.3.2019.

Thus, this point is answered accordingly.

6. Point No.II:- Petitioner in the instant case has challenged his dismissal order dated 12th April, 2016 on numerous grounds detailed below:-

- a) That the Respondent management did not examine any witness during the enquiry except Presenting Officer in support of the charge. Presenting Officer is not a competent witness to prove the contents of the charge sheet against the workmen, therefore, the findings of the enquiry on the basis of evidence of the Presenting Officer is not legally acceptable and is vitiated on this very ground.
- b) That the Petitioner was not extended the fair opportunity of hearing by Enquiry Officer and also not provided opportunity to lead the evidence in his defence.
- c) That charge sheet served upon him is vague and undefendable. It is not known as to from whom the Petitioner has accepted the bribes from the workers and the details of alleged bribes i.e., the names of the workers from whom the Petitioner allegedly accepted bribes and how much amount was allegedly accepted by Petitioner in bribe, there is no detail in the charge sheet. It is settled law that if the charge sheet is vague and undependable, finding of the enquiry is not sustainable in the eye of law.
- d) The Respondent management has alleged that Petitioner has cheated workmen and collected bribes from them. This onus of proof lies upon the management to prove the charge alleged against the Petitioner by producing those workmen as witnesses from whom Petitioner allegedly collected the amount of bribe. However, mere filing of the documents is not sufficient to prove charge and these documents are required to be marked and proved during the enquiry through the evidence of the relevant witnesses. In the instant case, management did not examine any witness except recording the statement of the Presenting Officer. Therefore, the documents filed by the Respondent management in the enquiry i.e., MEx.1 to MEx.5 cannot be relied upon to substantiate the charges against the Petitioner.
- e) It is submitted that in Catena of decisions of Hon'ble Supreme Court as well as the Hon'ble High Courts it has been held that the scope of preliminary enquiry and documents collected and statements recorded during the preliminary enquiry becomes redundant, once a decision is taken to conduct the regular department enquiry. It is contended that if the management wanted to rely upon the statements recorded during the preliminary enquiry, then such of those witnesses, who were examined in the preliminary enquiry should have been produced in departmental enquiry and giving opportunity to Petitioner Evidence for cross examination of these witnesses. The statement recorded during the preliminary enquiry can be relied upon in the departmental enquiry. However, Enquiry Officer has relied upon the statement recorded by the vigilance department i.e., MEx.1 to MEx.5, to hold the charge against Petitioner as proved, without even examining either the vigilance official or other witness.
- f) Petitioner submits that it is no more a res integra that the statements recorded and documents obtained by the vigilance authorities are basically amounts to preliminary enquiry. Therefore, basing on those statements and documents, a charge sheet issued is not sustainable in the eye of law as no witness was examined during the enquiry to substantiate the charges.

7. On the other hand, Learned Counsel for Respondent contended that the enquiry against the workman was conducted according to principles of natural justice by affording him fair opportunity of hearing during the enquiry. Further, it is submitted that the enquiry was conducted on different dates from 3.1.2015 to 29.6.2015 and as many as 25 adjournments were granted in the enquiry. Further, it is contended that Petitioner attended and fully participated in the inquiry and he was given full and fair opportunity to defend his case. It is contended that before commencing the enquiry proceeding, Enquiry Officer had explained the enquiry procedure, the Petitioner having understood the procedure at his free will took part in the enquiry proceeding. The enquiry officer has examined presenting officer during the enquiry as management witness who has deposed his evidence in the presence of the Petitioner duly recorded by the enquiry officer. The documentary evidence was produced by the management in the presence of the Petitioner in support of the charge levelled against the Petitioner in the enquiry and same was explained in Telugu by the Enquiry Officer. All the proceedings were recorded in the presence of the Petitioner and same were signed by the Petitioner along with Presenting Officer and Enquiry Officer. Further, it is contended that Petitioner has submitted a confession statement dated 25.10.2014 to Respondent authorities in writing wherein he has accepted his involvement in the dubious Medical unfitness cases. Now, he cannot deny that this statement was given under force. Respondent contended that the Enquiry officer on the basis of the evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the Petitioner has been held guilty of the charge levelled against him under the Company's Standing Order No.25.1 and 25.2. As per report of the Enquiry Officer, charges framed against

the Petitioner were found proved and show cause notice dated 26.8.2015 along with a copy of the enquiry report and enquiry proceeding was served to the Petitioner with an opportunity to represent, if any, within seven days of the receipt of the letter. The Petitioner has acknowledged the show cause notice and submitted his reply dated 31.8.2015. The Disciplinary Authority has carefully examined the record of Enquiry and connected papers and findings of the Enquiry Officer and also past records and representation dated 31st August, 2015 and thereafter Disciplinary Authority came to the conclusion that there was no extenuating circumstances to take a lenient view. Hence, Disciplinary Authority has imposed the penalty of dismissal vide order dated 12th April 2016 as the charges framed against the Petitioner were proved with regard to his misconduct.

8. Further the document MEx.1 dated 13.9.2014 wherein charge sheeted employee states that for medical board cases, only he was called to show X-ray scans through LCD projector. Further, charge sheeted employee stated that he used to arrange Projector and show X-ray scans through laptop of CMO. Further, he stated that, he used to do works as said by Doctor(CMO) and he do not know other issues of medical board. Further, charge sheeted employee stated that, he has two bank accounts, 1. IOB SCHO- Ac.No.17125 and 2. State Bank of India, Kothagudem- not able to remember account number, for sending money o State Bank of India account of his son, Respondent have enquired whether his son is working.

9. First and foremost argument advanced by the Petitioner is that departmental enquiry against the Workman was not conducted by following the principles of natural justice as the fair opportunity of hearing was not accorded to the Workman by the Enquiry Officer during the enquiry and he was not permitted to lead the evidence in defence.

10. On the other hand, Learned Counsel for Respondent contended that the enquiry was conducted against the charge sheeted employee by following the principles of natural justice and the delinquent workman was accorded the fair opportunity of hearing.

11. Perused the Record. On going the record of enquiry proceeding it would reveal that the charge sheet and documents were served upon the Workman and charge sheeted employee was accorded fair opportunity to cross examine the Respondent witnesses. Further, the charge sheeted employee has also examined himself in defence in evidence. Further, the record of enquiry proceeding also reflects that the charge sheeted employee has participated at every stage of the enquiry and he never raised any objection before the Enquiry Officer for causing any kind of prejudice caused to him. There is nothing to hold that domestic enquiry suffers from any procedural lapses or was conducted in violation of the principles of natural justice. The Enquiry Officer has submitted his reasoned report to the Disciplinary Authority on appreciation of oral and documentary evidence recorded in the enquiry proceeding. Therefore, the argument of the Petitioner that enquiry was not conducted in accordance with Principles of natural justice is untenable.

12. Further, the Petitioner vehemently argued that the Respondent management has not examined any witnesses in support of the charges levelled against him. Only the Presenting Officer has been examined to prove the charge against the Petitioner whereas the Presenting Officer is not a competent witness to prove charges against the Workman. Therefore, the finding of the Enquiry Officer in the enquiry report on the basis of evidence of Presenting Officer he is not legally acceptable and vitiated on this very ground.

13. The perusal of the record of enquiry proceeding reveals that Petitioner has been held guilty of the charge levelled against him under the Company's Standing Order No.25.1 and 25.2 for committing the misconduct of accepting and demanding the bribe from workers in the medical unfit cases. The Enquiry Officer in his report has relied upon the statement of the Presenting Officer as well as the documentary evidence, MEx.1 to MEx.4. The documentary evidence MEx.4 contains the confessional statement of the charge sheeted employee and therein he has admitted that the amount deposited into bank account has been made because he has made reports in medical unfit cases. The contents of the MEx.4 are extracted below:-

"I, Kodirekkala Jayaraju, S/o Balaswamy, R/o Kothagudem, age 52 years, working as Senior Assistant, Emp.Code: 0222636, Main Hospital, Kothagudem, am submitting this written statement.

I have requested Ortho Surgeon to make unfit some patients who have come for Medical Board unfit. In those cases, Ortho Surgeon has made them unfit. He has made unfit on my request. In consideration of this, patients have given money to me. They have some amount in cash and deposited some amount in bank account. This is true. I do not know how Doctor made them unfit, at my request. This is true.

All the above mentioned facts are given on my free will. I am writing this statement on my free will and without undue force on me. I am fully liable for the facts stated in this. I have signed this statement in presence of Vigilance."

Thus, from the perusal of the contents of MEx.4, it reflects that Petitioner has admitted that the amount of bribes was deposited into his bank account because he has made report in medical unfit cases of workers. Thereby he has admitted the allegation of bribe made in the charges levelled against him. Thus, there is ample evidence on record in support of charge against the Petitioner. The argument of the Petitioner that Respondent has not-examined witnesses in support of the charge has no force because confessional statement MEx.4 of Petitioner is itself ample proof of

evidence to prove charges levelled against him. Hon'ble Supreme Court of India in its catena of decisions have held that in the case of domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility.

In the case of State of Haryana Vs. Rattan Singh, 1977 SCC 491, the Hon'ble Apex Court have held:-

4. It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act.

The simple point is, was there some evidence or was there no evidence not in the sense of the technical rules governing regular court proceedings but in a fair common-sense way as men of understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record."

Thus, in view of the Law laid down by the Hon'ble Supreme Court of India as discussed above, there is ample evidence and as well as documentary evidence on record in the form of MEx.4 in support of the charge levelled against the Petitioner. Petitioner has not challenged genuineness of the document MEx.4, hence, it is admissible in evidence. Although Petitioner has advanced the argument that it was obtained by vigilance by intimidating him, but, I find no force in this submission. It is note worthy that Petitioner has submitted his written submission on 25.10.2014 and he never made a complaint to appropriate authority in this regard. Thus, it is inferred that document MEx.4 was given by Petitioner voluntarily out of his free will. Therefore, document MEx.4 is a reliable and cogent piece of evidence which is logically probative for a prudent mind to draw a conclusion that Petitioner has committed misconduct of demanding and accepting the bribes from workers in the medical unfit cases.

14. As regards, admissibility of the document MEx.4 containing the confessional statement of charge sheeted employee in evidence is concerned, the reference of the decision of Hon'ble Supreme Court in the case of SBI vs Hemant Kumar, AIR 2011 page 1890 is relevant. The facts of this case are:-

That the charge sheeted employee preferred appeal against his dismissal order and submitted a letter to Appellate Authority admitting his guilt with a prayer to Disciplinary Authority for taking a lenient view in his matter. But the appeal was dismissed by the Disciplinary Authority. Thereafter matter came up before the Industrial Tribunal and Tribunal held that departmental enquiry held against the charge sheeted employee suffers from violation of principles of natural justice and domestic inquiry held to be defective. Accordingly, the Industrial tribunal set aside the order of dismissal and directed the Respondent to reinstate the charge sheeted employee with full back wages. Thereafter matter came up before the Hon'ble Supreme Court of India in Appeal and Hon'ble Supreme Court have held,

"11. The second reason assigned by the Tribunal that the Enquiry Officer should have allowed the Respondent the opportunity to lead evidence in rebuttal is also without substance in the overall facts of the case. The Respondent had already tendered two admissions of guilt in writing and one orally before PW.1 and there was hardly anything that could be said on his behalf to repel the charges.

12. We are, therefore, satisfied that the Tribunal's findings are wholly unreasonable and perverse and fit to be set aside. The High Court, unfortunately, did not consider the matter as it should have, in light of the discussions made above. The High Court's order is equally unsustainable. We, accordingly, set aside the order passed by the High Court and the award made by the Tribunal."

15. Thus, in view of the law laid down by the Apex Court as discussed above i.e., the charge sheeted employee has also tendered his admission of guilt in MEx.4 and Enquiry Officer on the basis of MEx.4 has held the charge proved against the charge sheeted employee in his report. Petitioner has not produced any evidence to repel the charge against him before enquiry. Therefore, enquiry Officer has not committed any illegality by placing the reliance on documentary evidence i.e., MEx.4 in his report. Therefore, I find no force in the argument advanced by the Petitioner.

16. Further, the Petitioner has advanced the argument that charge sheet served upon him is vague and undefendable as it does not contain the details of the misconduct.

17. Perused the record. Admittedly, charge sheet was served upon the Petitioner and Petitioner has submitted his explanation to the charge sheet before the Disciplinary Authority. Further, Petitioner has also participated in the departmental enquiry at every stage of the enquiry proceeding and also cross examined Respondent witness. He never raised any objection before Enquiry Officer regarding vagueness of the charge sheet at any stage of the enquiry proceeding. In view of the above, I am unable to agree with the plea of Petitioner that charge sheet served upon him was vague and undefendable. This is nothing but an afterthought of the Petitioner that is untenable.

18. Petitioner has taken another plea that Hon'ble Supreme Court of India and High Court in catena of decisions has laid down that the scope of preliminary enquiry and documents collected and statements recorded during the enquiry becomes redundant once a decision taken for departmental enquiry. But the Enquiry Officer has taken into consideration the statement of the witnesses recorded during the preliminary enquiry and opportunity to cross examine the witness was not afforded to the Petitioner.

19. Perused the record. Petitioner has also relied upon the decisions of Division Bench of High Court of AP in the case of **K David Wilson vs. Secretary, Government of India. Law Department (Legislative Affairs and Justice), Hyderabad and another, 2001(5) ALT 65(DB)** therein Hon'ble Court have held:-

"It is well settled that the disciplinary authority cannot make use of any material or evidence collected by it in the course of preliminary enquiry against the delinquent official unless those materials and evidence are produced and proved in accordance with law in the regular departmental enquiry and the delinquent employee is given a fair opportunity to meet those adverse materials and evidence. In the instant case this well settled rule governing departmental enquiry is completely breached. On that count also, the departmental enquiry conducted against the Petitioner is vitiated."

Further, the reliance has been placed on the decision of the Hon'ble Supreme Court in the case of **Nirmala Jhala Vs. State of Gujarat, 2013(4) SCC 301**, wherein Hon'ble Supreme Court have held,

"In view of above, it is evident that the evidence recorded in preliminary inquiry cannot be used in regular inquiry as the delinquent is not associated with it, and opportunity to cross-examine the persons examined in such inquiry is not given. Using such evidence would be violative of the principles of natural justice."

In Ayaubkhan Noorkhan Pathan v. State of Maharashtra & Ors., AIR 2013 SC 58, this Court while placing reliance upon a large number of earlier judgments held that cross-examination is an integral part of the principles of natural justice, and a statement recorded behind back of a person wherein the delinquent had no opportunity to cross-examine such persons, the same cannot be relied upon.

The preliminary enquiry may be useful only to take a prima facie view, as to whether there can be some substance in the allegation made against an employee which may warrant a regular enquiry."

20. Perused the record of enquiry proceeding. The record of enquiry goes to reveal that the Respondent has examined witness, Presenting Officer in support of the charge levelled against the Petitioner and witness has proved document MEx.1 to MEx.4 in evidence. Thus, the documentary Evidence MEx.1 to MEx.4 has been proved by witness in support of the charge. The execution of the document MEx.4 has not been denied by the Petitioner. Therefore, the Enquiry Officer has relied upon the MEx.4 in support of the charge levelled against the Petitioner. Thus, it cannot be said that the Enquiry Officer has taken into consideration the statement of the witness which was recorded in the preliminary enquiry. Therefore, the argument of the Petitioner in this regard is not acceptable.

21. As regards question of interference in the finding of the Enquiry Officer, by the Tribunal. Hon'ble Supreme Court in the number of its decisions has laid down that, "The court will not act as an appellate court and reassess the evidence lead in the domestic enquiry and it cannot interfere on the ground that another view is possible on record."

In this context the reference of the decision of Hon'ble Supreme Court in the case of **State of Bikaner & Jaipur Vs. Nemi Chand Nalwaya in Civil Appeal No.5861/2007 dated 1.3.2001** is relevant. Therein the Hon'ble Apex Court have held:-

"6. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic Enquiry, nor interfere on the ground that another view is possible on the material on record. If the Enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. Courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."

Thus, in view of the settled law laid down by the Hon'ble Supreme Court of India, in the instant matter, there is ample documentary evidence against the Petitioner to support the charge against him. It is not a case of no evidence against the Petitioner. Thus, I do not find any ground or occasion to interfere in the finding of the Enquiry Officer as well as in the dismissal order passed by the Disciplinary Authority. In view of the fore gone discussion I am of the considered view that the dismissal order of the Petitioner dated 12.4.2016 passed by Disciplinary Authority is justified.

Thus, this Point No.II is answered against the Petitioner and in favour of the Respondent.

23. **Point No.III:-**In view of the fore gone discussion at Point Nos.I & II, the petition is devoid of merit. Hence, Petitioner is not entitled to any relief.

Thus, Point No.III is answered accordingly.

AWARD

In view of the fore gone discussion and finding given at Points No. I, II & III, I am of the considered view that the action of the Respondent in terminating the services of the Petitioner Sri Kodirekkala Jayaraju vide proceeding No.CRP/PER/IR/D/91/605 dated 12.4.2016 is justified. Hence, the Petitioner is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner deserves to be dismissed as devoid of merits. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected and signed by me on this the 14th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जनवरी, 2025

का.आ. 26.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री इंदर, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 138 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-02-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 26.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 138 of 2023) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ;Sharma Enterprises, Nawada, New Delhi, and, Shri Inder, Worker, Through- All India General Mazdoor Trade Union, kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-02– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 138/2023

Sh. Ninder, S/o Sh. Prempal,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS**1. The Vice Chancellor,****Jamia Millia Islamia University,**

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,

Near Nawada Metro Station, New Delhi-110059.

*Appearance**For claimants: Sh. Anil Rajput, Ld. AR for the claimant.**For respondent: Sh. Sharad Pandey, Ld. AR for M-I.***AWARD**

The appropriate Government has sent the reference refer dated 10.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Ninder, S/o Sh. Prempal through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University, New Delhi that his services were terminated w.e.f. 1.09.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 27.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबंध में नियोजकों और श्री करण, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 143 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-03-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 27.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 143 of 2023) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ;Sharma**

Enterprises, Nawada, New Delhi, and, Shri Karan, Worker, Through- All India General Mazdoor Trade Union, kalkaji, New Delhi, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-03- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 143/2023

Sh. Karan, S/o Sh. Sukhpal,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS

1. The Vice Chancellor,

Jamia Millia Islamia University,

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,

Near Nawada Metro Station, New Delhi-110059.

Appearance

For claimants: Sh. Anil Rajput, Ld. AR for the claimant.

For respondent: Sh. Sharad Pandey, Ld. AR for M-1.

AWARD

The appropriate Government has sent the reference refer dated 11.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Karan, S/o Sh. Sukhpal through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University, New Delhi that his services were terminated w.e.f. 1.09.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 28.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री धीरज, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन

द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 153 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-05-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 28.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 153 of 2023) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ;Sharma Enterprises, Nawada, New Delhi, and, Shri Dheeraj, Worker, Through- All India General Mazdoor Trade Union, kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-05– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 153/2023

Sh. Dheeraj, S/o Late Sh. Amar Singh,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS

1. The Vice Chancellor,

Jamia Millia Islamia University,

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,

Near Nawada Metro Station, New Delhi-110059.

Appearance

For claimants: Sh. Anil Rajput, Ld. AR for the claimant.

For respondent: Sh. Sharad Pandey, Ld. AR for M-I.

AWARD

The appropriate Government has sent the reference refer dated 11.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Dheeraj, S/o Late Sh. Amar Singh through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University, New Delhi that his services were terminated w.e.f. 1.10.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 29.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री मोहम्मद तनवीर, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 152 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-04-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 29.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152 of 2023) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ;Sharma Enterprises, Nawada, New Delhi, and, Shri Mohd. Tanvir, Worker, Through- All India General Mazdoor Trade Union, kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-04– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 152/2023

Sh. Mohd. Tanvir, S/o Sh. Mohd. Sakur,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS

1. The Vice Chancellor,

Jamia Millia Islamia University,

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,

Near Nawada Metro Station, New Delhi-110059.

Appearance

For claimants: Sh. Anil Rajput, Ld. AR for the claimant.

For respondent: Sh. Sharad Pandey, Ld. AR for M-1.

AWARD

The appropriate Government has sent the reference refer dated 12.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Mohd. Tanvir, S/o Mohd. Shakur through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University, New Delhi that his services were terminated w.e.f. 1.10.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 30.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सोलर एनर्जी कॉरपोरेशन ऑफ इंडिया, साकेत, नई दिल्ली; सिक्योरिटी सॉल्यूशन एंड मैनपावर सर्विसेज, सेक्टर-29, नोएडा, (यू.पी.), के प्रबंधन के संबद्ध नियोजकों और श्री शशिकांत विश्वकर्मा, कामगार, द्वारा - दिल्ली प्लम्बर अलाइड इंडस्ट्रियल वर्कर यूनियन, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 277 of 2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-07-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 30.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 277 of 2019) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Solar Energy Corporation of India, Saket, New Delhi ; Security Solution & Manpower Services, Sector-29, Noida, (U.P), and, Shri Sashikant Vishwakarma, Worker, Through- Delhi Plumber Allied Industrial Worker Union, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-07- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 277/2019

Sh. Sashikant Vishwakarma, S/o Sh. Jagdish Vishwakarma,

Through- Delhi Plumber Allied Industrial Worker Union,

1770/8, 3rd Floor, Govind Puri Exten. Main Road Kalkaji,

New Delhi-110019.

VERSUS**1. Solar Energy Corporation of India,**

D-M, 1st Floor Wing-A, Prius Building, District Center,
Saket, New Delhi-110017.

2. Security Solution & Manpower Services,

1283, Sector-29, Noida, U.P.-201301.

Appearance

For claimants: Sh. Rohit, Ld. AR for the claimant.

For respondent: None.

AWARD

The appropriate Government has sent the reference refer dated 10.12.2019 to this tribunal for adjudication in the following words:

“Whether the services of the workman Sh. Sashikant Vishwakarma S/o Sh. Jagdish Vishwakarma were terminated in an illegal and unjustified by M/s Security Solution & Manpower Services in the establishment of Solar Energy Corporation of India Ltd., New Delhi? If yes, whether the workman is entitled to reinstatement with full back wages and other consequential benefits? What other relief the workman is entitled to?”

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant has filed his claim statement, stating that he was working with the management-1 through management-2 since 24.09.2013 at the post of Driver and his last drawn wages was Rs. 20,205/- per month. He was engaged through sham and camouflage contractors namely M/s Security Solution & Manpower Services. His service records were clean and he had never made the complaint to the management. Management had not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, PF & ESIC, weekly and events holidays etc. The employers had made the employee sign many blank papers, blank vouchers, blank agreement letters and blank appointment letters at the time of appointment during the service. A dispute of the employee with other employees regarding general demands and permanent employees of the institute was pending before conciliation officer. When the management pressurized the workman to withdraw the said dispute, he refused to withdraw the same. Management got annoyed and without any notice, without making any payment, his service was terminated by the management on 19.08.2018 which is a violation of the terms of Section 25F, 33 and 31 of the I.D. Act, 1947. He has worked more than 240 days in a year. After being terminated from the service, he also tried to get job through the Labour Department but, the management did not cooperate with the Labour Department. He had filed his claim before the conciliation officer, however, conciliation become failure. Hence, he has filed his claim.

Vide order dated 02.05.2022, management no. 1 & 2 have been proceeded ex-parte. The matter is listed for ex-parte workman evidence where examination in chief has been done by the workman AR. Workman evidence was stand closed on 11.11.2022. Thereafter, the case was fixed for ex-parte argument. Instead of arguing the matter, workman AR has filed the application for filing of certain documents which had been left at the time of preparation of affidavit. At request, application for filing of amended affidavit was allowed. Today, workman AR submits that workman is not in contact with him.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Reference is answered accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 22.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 31.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री मोजिब, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई

दिल्ली पंचाट (संदर्भ संख्या 155 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-08-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 31.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 155 of 2023) of the **Central Government Industrial Tribunal cum Labour Court – II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ;Sharma Enterprises, Nawada, New Delhi, and, Shri Mojib, Worker, Through- All India General Mazdoor Trade Union, kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-08– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 155/2023

Sh. Mojib, S/o Sh. Kasim,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS

1. The Vice Chancellor,

Jamia Millia Islamia University,

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,

Near Nawada Metro Station, New Delhi-110059.

Appearance

For claimants: Sh. Anil Rajput, Ld. AR for the claimant.

For respondent: Sh. Sharad Pandey, Ld. AR for M-1.

AWARD

The appropriate Government has sent the reference refer dated 17.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Mojib, S/o Sh. Kasim through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University, New Delhi that his services were terminated w.e.f. 1.10.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 32.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री मुकेश, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 158 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-09-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 32.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 158 of 2023) of the **Central Government Industrial Tribunal cum Labour Court- II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ; Sharma Enterprises, Nawada, New Delhi, and, Shri Mukesh, Worker, Through- All India General Mazdoor Trade Union, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-09- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 158/2023

Sh. Mukesh, S/o Sh. Surte,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS

1. The Vice Chancellor,

Jamia Millia Islamia University,

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,

Near Nawada Metro Station, New Delhi-110059.

Appearance

For claimants: Sh. Anil Rajput, Ld. AR for the claimant.

For respondent: Sh. Sharad Pandey, Ld. AR for M-I.

AWARD

The appropriate Government has sent the reference refer dated 21.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Mukesh, S/o Sh. Surte through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University,

New Delhi that his services were terminated w.e.f. 1.09.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?"

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 33.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, जामिया नगर, ओखला, नई दिल्ली; शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री मोहम्मद इब्रार खान, कामगार, द्वारा - अखिल भारतीय आम मजदूर ट्रेड यूनियन द्वारा, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 160 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-10-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 33.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 160 of 2023) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Vice Chancellor, Jamia Millia Islamia University, Jamia Nagar, Okhla, New Delhi ; Sharma Enterprises, Nawada, New Delhi, and, Shri Mohd. Ibrar Khan, Worker, Through- All India General Mazdoor Trade Union, kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-10— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 160/2023

Mohd. Ibrar Khan, S/o Sh. Late Mohd. Farhad Khan,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji,

New Delhi-110019.

VERSUS

1. The Vice Chancellor,

Jamia Millia Islamia University,

Jamia Nagar, Okhla, New Delhi-110025.

2. Sharma Enterprises,

92-B, Plot No.-01, Ground Floor, Nawada,
Near Nawada Metro Station, New Delhi-110059.

Appearance

For claimants: Sh. Anil Rajput, Ld. AR for the claimant.

For respondent: Sh. Sharad Pandey, Ld. AR for M-1.

AWARD

The appropriate Government has sent the reference refer dated 25.07.2023 to this tribunal for adjudication in the following words:

“Whether claim of Mohd. Ibrar Khan, S/o Late Mohd. Farhad Khan through All India General Mazdoor Trade Union, New Delhi vide letter dated 11.10.2021 against the management of M/s Sharma Enterprises, New Delhi (contractor) under Jamia Millia Islamia University, New Delhi that his services were terminated w.e.f. 11.10.2020 without notice, without reason and without due payment which is violation of Section 33 and 25 F of the ID Act, 1947 as their common demand through Union is pending in CGIT cum LC No. 2, New Delhi bearing ID No. 155/2020 is proper legal and justified? If yes, what reliefs as sought vide letter dated 11.10.2021 are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities. AR for the claimant Sh. Anil Rajput submits that the claimant is not in touch with him.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 34.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सहायक आयुक्त, केन्द्रीय माल एवं सेवा कर, सेक्टर-08, नोएडा; एस.एन. एंटरप्राइजेज, द्वारा-सुश्री संजना भारद्वाज एवं श्री समीन खान, प्रियदर्शिनी विहार, दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री विनोद, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 248 of 2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-12-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 34.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 248 of 2022) of the **Central Government Industrial Tribunal cum Labour Court– II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Assistant Commissioner, Central Goods & Services Tax, Sector-08, Noida ; S.N. Enterprises, Through-Ms. Sanjana Bhardwaj & Mr. Samin Khan, Priyadarshini Vihar, Delhi, and, Shri Vinod, Worker,** which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-12– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI****ID.No. 248/2022****Sh. Vinod, S/o Sh. Badlu Ram,**

R/o House No-10/257, Block No.-10,

Trilok Puri, Delhi-110091.

VERSUS

1. The Assistant Commissioner,
Central Goods & Services Tax,
 F-23-B, Udhog Marg, E-Block,
 Sector-08, Noida-201301.

2. **S.N. Enterprises,**
 Through-Ms. Sanjana Bhardwaj & Mr. Samin Khan,
 A021, 2nd Floor, Priyadarshini Vihar, Delhi-110092.

*Appearance**For claimants: None.**For respondent: None.***AWARD**

This is an application U/S 2A of the Industrial Disputes Act (here in after referred as an Act) filed by the claimant for his illegal termination. Claim of the claimant is that he was working with the management since 23.07.2018 at the post of Peon at the last drawn salary of Rs. 14,842/- p.m. He has been doing his duty with diligently and honestly and did not give any chance to the management for any complaint. Management-2 appointed the workman to work under management-1. During the services, management had not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, I-card, Salary receipt, weekly and events holidays etc. Management got annoyed with the demands raised by the claimant and had terminated the services of the workman on 11.08.2021 without any rhyme or reason or without issuing any show-cause notice. He has sent the demand letter, but, he has not been taken on duty. They had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, He has filed the present claim.

Management has not appearing since beginning. Therefore, Management has been proceeded ex-parte vide order dated 18.12.2023.

Now, the matter is listed for ex-parte workman evidence. He is required to file his affidavit. Despite, providing a number of opportunities, workman has not been appearing since long to substantiate his claim.

In these circumstances, when the claimant is not interested in pursuing his claim. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 22.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 35.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली विकास प्राधिकरण, तुगलकाबाद, नई दिल्ली; गौरव एंटरप्राइजेज, द्वारा- गौरव (मालिक), मीत नगर, सबोली, दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री राजन सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 74 of 2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-13-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 35.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74 of 2023) of the **Central Government Industrial Tribunal cum Labour Court– II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Delhi Development Authority of India, Tughlakabad, New Delhi ; Gaurav Enterprises, Through- Gaurav, (Proprietor), Meet Nagar, Saboli, Delhi, and, Shri Rajan Singh, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-13– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 74/2023

Sh. Rajan Singh, S/o Sh. Badan Singh,

R/o House No-531, Kuan Mohalla Tughlakabad Village,
New Delhi-110044.

Versus

1. **Delhi Development Authority of India,**

F7W8+XQW, DDA Park Tughlakabad, New Delhi-110044.

2. **Gaurav Enterprises,**

Through- Gaurav, (Proprietor)

A-467, Gali No-02, Meet Nagar, Saboli, Delhi-110094.

Appearance:-

For Claimant: None

For Managements: None for M-1.

Sh. Kumar Anshuman, Ld. AR for M-2

AWARD

This is an application of U/S 2A of the Industrial Disputes Act (here in after referred as an Act). Claimant had stated in his claim statement that he had been working with the respondent since 01.12.2020 at the post of Gunman at the last drawn salary Rs. 32,000/- Per month. He did his work well and has not given any chance of making any complaint to the management nor he was charged while he was in service. During the services, management had obtained his signature on blank papers and has not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, weekly and events holidays etc. When the workman demanded the same, without any rhyme or reason or without issuing any notice he was illegally terminated from his job by the management on 07.12.2021. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, he has filed the present claim.

Management-1 has not been appearing from the first date. Management-2 had filed his written statement denying the claim of the workman. He submits that workman has not completed 240 days of continuous services prior to his alleged termination from services. It is also submitted that during the course of his employment, he was found to be drunk during duty hours, so at the direction of principal employer his services were discontinued from DDA and was asked to report at Head Office of the answering management, but he failed to turned up and in this way he had left his employment at his own. He submits that claim is not maintainable and is liable to be dismissed.

Now, the matter is listed for filing of rejoinder on behalf of the claimant. No one has been appearing on behalf of the claimant for the last five dates.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 28.10.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 36.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, दक्षिण दिल्ली नगर निगम, जे.एल. नेहरू मार्ग, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री कुमार पाल सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 226 of 2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-14-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 36.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 226 of 2022) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Commissioner, South Delhi Municipal Corporation, J.L. Nehru Marg, New Delhi, and, Shri Kumar Pal Singh, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-14— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. NO. 226/2022

Sh. Kumar Pal Singh, S/o Sh. Mohar Singh,

R/o Village-Meerpur, Post-Wair Badsahpur,

Tehsil-Sikendrabad, BulandShar, Uttar Pradesh-201002.

Versus

1. **The Commissioner,**

South Delhi Municipal Corporation,

09th Floor, Dr. S.P. Mukherjee, Civic Center,

J.L. Nehru Marg, New Delhi-110002.

Appearance:

For Claimant: *In person.*

Management: *Sh. Manik Ahluwalia, Ld. AR.*

AWARD

This is an application **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by workman for his illegal termination. He was working with the management since 15.07.2000 as APD Beldar. He was working sincerely, honestly and with hard working and he never gave any chance to management to initiate any legal action against him. Management has terminated from the service of petitioner in September 2003 without any show cause notice and charge sheet. Workman had visited several times to the office of management/before Executive Engineer M-IV Central Zone, SDMC Lajpat Nagar, New Delhi but, in a negligence manner, management did not reinstate the workman on his duty. Since 2003, workman number of times visited the office of management for his reinstatement or made orally requested to J.E. namely Sh. Mahi Pal Singh, but all efforts has been in vain till today. Workman had sent the legal notice through advocate to the management on dated 04.06.2019 and another legal notice U/s 80 of C.P.C dated 24/07/2019 sent by workman through his advocate, but management did not give reply of the said legal notices to the workman. He has gone to the conciliation officer, but, it was resulted into failure. Hence, he has filed the present claim.

On 30.04.2024 management has appeared.W.S has not been filed by the respondent. Management AR submits that he has not received legible copy of the claim statement.

I have gone through the record of this case. At that time of proceedings, this tribunal found that this claim petition was filed by the claimant in the year 2022, much beyond the period of limitation prescribed U/s 2-A (3). Before we proceed further, it is necessary to produce the text of section 2-A:

“2-A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.- [(1)] where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute not withstanding that no other workman nor any union of workmen is a party to the dispute.

(2) Not withstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this act and all the provisions of this act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).

A perusal of the aforesaid section would go to show that a dispute connected with or arising out of discharge, dismissal, retrenchment or otherwise termination of services of the workman can be directly agitated by workman U/s 2-A of the act and it is not necessary that such disputes should be sponsored by the trade union or a substantial number of workmen. However, what is required is that workman who has been discharged, dismissed, retrenched or terminated as specified in sub-section (1) of section 2-A can make an application directly to Labour Court or Tribunal for adjudication of his individual dispute after expiry of 45 days from the date he has made an application to conciliation officer of appropriate government for conciliation of dispute. Sub-section 3 of section 2-A lay down the time limit for making such application to Labour Court or the tribunal. It provides that such application to Labour Court or tribunal shall be made before expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of services as specified in sub-section-1. This right is available to the workman without any effect upon remedy available in section 10 of the act.

Here admittedly, workman had filed his claim in the year 2022 after more than 19 years of his termination which is beyond the prescribed limit for filing the claim U/s 2(A) of the I.D Act. Hence, claim petition stands dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification as required U/s 17 of the I.D Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date 28th October, 2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 37.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय दूरसंचार विनियामक प्राधिकरण, महानगर दूरसंचार भवन, नई दिल्ली; साइबरलैंक टेक्नोलॉजीज प्राइवेट लिमिटेड, गुडगांव; मल्टीटीवी टेक सॉल्यूशन प्राइवेट लिमिटेड, गुडगांव; मोबिटो टेक्नोलॉजीज प्राइवेट लिमिटेड, गुडगांव, के प्रबंधन के संबद्ध नियोजकों और श्री गुरु चरण शर्मा, कामगार, द्वारा- भारतीय राष्ट्रीय प्रवासी श्रमिक संघ के माध्यम से, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 269 of 2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-15-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 37.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 269 of 2021) of the **Central Government Industrial Tribunal cum Labour Court– II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan, New Delhi ; Cyberlink Technologies Pvt. Ltd., Gurgaon ; Multitv Tech. Solution Pvt. Ltd., Gurgaon; Mobito Technologies Pvt. Ltd., Gurgaon, and, Shri Gur Charan Sharma, Worker, Through- Indian National Migrant Worker’s Union, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-15– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI

ID No. 269/2021

Sh. Gurcharan Sharma vs. T.R.A.I. & Ors.

Sh. Gur Charan Sharma, S/o Sh. K.K. Sharma,
R/o J-1802 Exotica Fresco, Sec-137, Noida-201304.

Through- Indian National Migrant Worker’s Union,
1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,
New Delhi-110019.

...Claimant/Applicant

Versus

1. **Telecom Regulatory Authority of India,**
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru
Marg, Next to Zakir Hussain College, New Delhi-110002.
2. **Cyberlink Technologies Pvt. Ltd.,**
202, 2nd Floor, SAS Tower, Sector-38, Next to Medanta
Medcity, Gurgaon-122001
3. **Multitv Tech. Solution Pvt. Ltd.,**
202, 2nd Floor, SAS Tower, Sector-38, Next to Medanta
Medcity, Gurgaon-122001
4. **Mobito Technologies Pvt. Ltd.,**
202, 2nd Floor, SAS Tower, Sector-38, Next to Medanta
Medcity, Gurgaon-122001

....Managements/Respondents

Counsels:

For Applicant/ Claimant:

None for the claimant.

For Management/ Respondent:

Sh. Arjun Natrajan, Ld. AR for TRAI (management-1)

Ms. Sonali Jain, Sh. Vivek Singh and Ms. Harshita Tyagi, Ld. ARs for management-2, 3 & 4.

AWARD

04.12.2024

This is an application filed U/s 2-A of Industrial Disputes Act, 1947 (herein after referred as ‘the act’). The claimant in his claim statement submits that he had been working at the post of sales head for management-1 through management-2, 3 & 4 at the salary of Rs. 2,25,000/- per month since 01.02.2012. He neither gave the managements any reason for complaint nor was there any allegation against him. He alleged that the managements were violating

labour laws and were not paying him full salary since February 2018 He also alleged that the managements used to deduct Rs. 30,000/- to 1,50,000/- per month from his salary till December 2018. He further submitted that by withholding his salary, the managements coerced him into tendering his resignation, when he refused to do so; the managements got frustrated and terminated his service on 18.07.2019 which is a clear violation of section 25F of the act. He prayed that he be reinstated in service with full back wages and be declared as a regular employee of principal employer.

2. In rebuttal, all the managements herein had appeared and filed their written statements. Management-1 (TRAI) in its W.S. stated that it has been established for regulation of telecommunication services, to protect the interest of service providers and consumers of telecom sector and to promote and ensure orderly growth of the telecom sector and for the matters connected therewith or incidental thereto. It further submitted that it is a recommendatory, regulatory and tariff functions, detailed in Section 11 of TRAI Act. Pertinently, the regulations made by the authority, in exercise of its powers under TRAI Act, are in the nature of subordinate legislation and they are laid before each house of parliament. It also submitted that the claimant has never been employed by the authority, hence, it has no role to play in the disputes, if any, between the claimant and the other three respondents. Management-1 lastly prayed to be deleted from array of the parties.

3. Management-2 in its written statement submitted that the claimant has wrongly filed the present case and same doesn't fall under the Industrial Disputes Act, 1947; the present case has been malafidely filed by the claimant with ulterior motive to wrongfully gain and extort money from the opposite party herein; the claimant is a 'Director' in Cyberlink Technologies Pvt. Ltd. (management-2) since the year 2016. The fact that he was a 'Director' of the company was observed and recorded by the Ld. authority under the payment of wages act, Jeevandeep Building, New Delhi in P.W.A. No. 93 of 2019 filed by the applicant against the opposite party, where the Ld. authority vide its order dated 17.11.2021 had dismissed the claimant's claim on several grounds out of which one of the grounds was that the claimant was employed as a director in the company. Hence, in view of the above mentioned facts, the application filed by the claimant becomes infructuous and non-maintainable under the act. It also submitted that the claimant during his tenure in the company was drawing a remuneration of Rs. 1,25,000/- per month initially and his last drawn salary was Rs. 2,25,000/- per month which is reflected in the salary slip filed by the claimant himself. The fact that the claimant was drawing Rs. 2,25,000/- per month as salary is an exorbitant amount of remuneration received to be argued as a dispute which is covered under the act. It is important to mention herein that the Ministry of Labour and Employment vide its gazette notification dated 28.08.2017 had specified Rs. 24,000/- per month as the wages under said sub-section (6) of the act. Therefore, the claimant is not eligible to be considered under the said act, as the claimant in the present dispute is not a 'workman' as defined U/s 2(s) of the act. Lastly, management-2 prayed that claim of the claimant being not maintainable be dismissed.

4. Management-3 in its W.S. stated that the claimant had wrongly issued notice to Multitv Tech solutions pvt. Ltd. in lieu of his alleged dues. It further submitted that the claimant has produced nothing on record to show his employment with management-3 apart from certain agreements which are incomplete and inadmissible. It also averred that Ld. authority under the payment of wages act, Jeevandeep Building, New Delhi vide its order dated 17.11.2021 had dismissed the claimant's claim on several grounds. It also submitted that the claimant is a resident of Agra, Uttar Pradesh which is reflected in the Aadhar card of the claimant and annual tax statement annexed by the claimant, therefore, under no circumstance, the present matter can fall under the jurisdiction of Delhi. Lastly, it also prayed that the present claim be dismissed with cost.

5. Management-4 in its W.S. took various objections *inter alia* that the present claim doesn't fall under the Industrial Disputes Act, 1947; the claimant has wrongly issued the notice to management-4 (Mobito Technologies Pvt Ltd.) in lieu of his alleged dues; the claimant's claim is doesn't fall under the definition of 'workman' as defined under section 2(s) of the act. It also prayed for dismissal of the present claim.

6. Thereafter, the claimant was required to file his rejoinder. However, despite being given a number of opportunities, he has neither filed his rejoinder nor appeared to pursue his claim. In these circumstances, his claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification, as required under section 17 of the ID act 1947. The file is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 04.12.2024.

नई दिल्ली, 9 जनवरी, 2025

का.आ. 38.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, राष्ट्रीय प्राणी उद्यान, मथुरा रोड, नई दिल्ली; निदेशक, महावीर एंड ब्रदर्स, करोल बाग, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री कल्लू, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम

न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 59/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-16-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 38.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2023) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, National Zoological Park, Mathura Road, New Delhi ; The Director, Mahavir & Brothers, Karol Bagh, New Delhi**, and, **Shri Kallu, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-16— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 59/2023

Sh. Kallu, S/o Sh. Raghuvir Singh,
R/o-D-48, Mavi Mohalla, Village Tehkhand,
Okhla Phase-I, New Delhi-110020.

VERSUS

- The Director, National Zoological Park,**
Mathura Road, New Delhi-110003.
- The Director, Mahavir & Brothers,**
14-B/47, Dev Nagar, Karol Bagh, New Delhi-110005.

Appearance

For claimants: None.

For respondent: None.

AWARD

This is an application U/S 2A of the Industrial Disputes Act (here in after referred as an Act) filed by the claimant for his illegal termination. Claim of the claimant is that he was working with the management since 01.02.2021 at the post of Safai Karamchari at the last drawn salary of Rs. 15,908/- p.m. He has been doing his duty with diligently and honestly and did not give any chance to the management for any complaint. During the services, management had not been providing any legal facilities i.e. appointment letter, Leave Book, overtime, I-card, Salary receipt, Attendance sheet etc. When the workman demanded the aforesaid legal facilities, management got annoyed with the demands raised by the claimant and had terminated the services of the workman on 05.03.2022 without any rhyme or reason or without issuing any show-cause notice and without paying the wages of the months i.e. 01.11.2021 to 04.03.2022 (totally Rs. 66076/-) which is an abolition of Section 25 F of the Act. He has sent the demand letter through union, but, neither he has been taken on duty nor has been paid the wages of months by the management i.e. 01.11.2021 to 04.03.2022. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, He has filed the present claim.

Neither the management nor the workman has been appearing since long. Notice was issued to them but, they have not appeared.

In these circumstances, when the claimant is not interested in pursuing his claim, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 02.12.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 39.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय सांख्यिकी संस्थान, कटवारिया सराय, नई दिल्ली; सुनील दत्त नौटियाल सुरक्षा एजेंसी, द्वारका, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री सुरेश चंद, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 168/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-17-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 39.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 168/2021) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Statistical Institute, Katwaria Sarai, New Delhi; Sunil Dutt Nautiyal Security Agency, Dwarka, New Delhi**, and, **Shri Suresh Chand, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-17— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI****ID.No. 168/2021****Sh. Suresh Chand, S/o Sh. Hari Singh,**R/o VPO- Sinsini, Tehsil-Deeg, District Bharatpur,
Rajasthan-321001.**VERSUS****1. Indian Statistical Institute,**

7, SJS Marg, Katwaria Sarai, New Delhi-110016.

2. Sunil Dutt Nautiyal Security Agency,222, 2nd Floor, Vardhman Crown Mall,

Sector-19, Dwarka, New Delhi-110075.

*Appearance**For claimants: None.**For respondent: None.***AWARD**

This is an application **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by the claimant for his illegal termination. Claim of the claimant is that he was working with the management-1 through management-2 (Contractor) 01.05.2016 at the post of Security Guard at the last drawn salary of Rs. 27,351/- p.m. As per D.G.R circular, PF of Rs. 1800/- was deducted and Rs. 25,551/- was paid. He has been doing his duty with diligently and honestly and did not give any chance to the management for any complaint. Workman had been signed forcibly on some blank papers, blank vouchers and other documents by the management by promising to create and provide the worker amenities. During the services, management had not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, I-card, Salary receipt, ESI Card, Fund, weekly and events holidays etc. When the workman demands the same verbally, then after a long time, management started deducting the PF to the workman. When the workman reiterated the other same facilities, management got annoyed with the demands raised by the claimant and had terminated the services of the workman on 04.03.2020 without any rhyme or

reason or without issuing any show-cause notice or without paying earned wages. He had sent the demand letter, but, he has not been taken on duty. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, He has filed the present claim.

Management-1 and Management-2 have filed their WS. They have denied the averment made in the claim statement. They also submitted that claim deserves to be dismissed.

After completion of the pleadings, following issues has been framed vide order dated 04.08.2022 i.e.:-

1. Whether the proceeding is maintainable.
2. Whether there exist employer and employee relationship between the claimant and the management no.1.
3. Whether the service of the claimant was illegally terminated by the management no. 2.
4. To what relief the claimant is entitled to and from which date.

Now, the matter is listed for workman evidence. He is required to file his affidavit. Despite, providing a number of opportunities, workman has not been appearing since long to substantiate his claim.

In these circumstances, when the claimant is not interested in pursuing his claim. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 21.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 40.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खेल प्राधिकरण, डॉ. कर्णी सिंह शूटिंग रेंज, सूरज कुंड रोड, तुगलकाबाद, नई दिल्ली; सर्वेश सिक्योरिटी सर्विसेज प्रा. लिमिटेड, सीएस-49, पहली मंजिल, अंसल प्लाजा (डाबर चौक के पास) वैशाली, गाजियाबाद, उत्तर प्रदेश, के प्रबंधन के संबद्ध नियोजकों और श्री पवन, कामगार, द्वारा -अखिल भारतीय आम मजदूर ट्रेड यूनियन, गिरि नगर, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 12/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-18-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 40.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2021) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Sports Authority of India, Dr. Karni Singh Shooting Range, Suraj Kund Road, Tughlakabad, New Delhi ; Sarvesh Security Services Pvt. Ltd., CS-49, 1st Floor, Ansal Plaza (Near Dabur Chowk) Vaishali, Ghaziabad, Uttar Pradesh, and, Shri Pawan, Worker, Through- All India General Mazdoor Trade Union, Giri Nagar, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-18– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI

ID No. 12/2021

Sh. Pawan vs. Sports Authority of India and Ors.

Sh. Pawan, S/o Sh. Rajpal,

R/o House No.-51, Locality- Mathura Road,

Kail Gaon Faridabad-121004

...Applicant/Claimant

Through- All India General Mazdoor Trade Union,

Regd. Office-170, Bal Mukund Khand, Giri Nagar,
Kalkaji, New Delhi-110019.

Versus

1. Sports Authority of India,

Dr. Karni Singh Shooting Range, Suraj Kund Road,
Tughlakabad, New Delhi-110044.

2. Sarvesh Security Services Pvt. Ltd.,

CS-49, 1st Floor, Ansal Plaza (Near Dabur Chowk)
Vaishali, Ghaziabad, Uttar Pradesh-201010.

...Managements/respondents

Counsels:

For Applicant/ Claimant:

Sh. Anil Rajput, Ld. AR.

For Management/ Respondent:

Sh. Niraj Kumar, Ld. AR for Sports Authority of India (management-1).

Sh. Uday Malhotra, Ld. AR for Sarvesh Security Services Pvt. Ltd. (management-2).

AWARD

This is an application filed U/s 2-A of Industrial Disputes Act, 1947 (herein after referred as ‘the act’) by the claimant herein. The claimant in his claim statement stated that he had been working at the post of security guard with management since 01.05.2018. He was promised a salary of Rs. 17498/- but he used to received only 10,000/- per month. The contractor used to deduct Rs. 5,500/- per month in the name of uniform, but he received only one set of uniform. He wasn’t getting any legal facility such as appointment letter, attendance sheet, E.S.I. and P.F. etc. When he demanded the said facilities, he was terminated from his service on 21.05.2019 without any prior notice. He also sent a demand letter on the same day by post demanding his arrears, remaining overtime and other statutory amount and also demanded for his reinstatement in service. Both managements received the letter but didn’t reply nor paid any due amount. He submits that he has been unemployed ever since. He prayed that he be reinstated with full back wages.

2. Both managements had appeared and filed their respective written statements. Management-1 in its W.S. stated that the claimant was employee of management-2 i.e. M/s Sarvesh Security Service Pvt. Ltd. which is a separate and independent entity distinct from management-1. Management-1 had nothing to do with management-2 which is a security agency. There didn’t exist any employer-employee relationship between the management-1 and the claimant herein. Management-1 further submitted that it doesn’t carry out any activity that can be termed as business, manufacturing and trade nor it is engaged in any commercial activity. That, management-1 is a registered society registered in 1984 by Ministry of Youth Affairs and Sports (Government of India), thus, management-1 cannot be said to be an industry. Lastly, it prayed for dismissal of present claim petitions in interest of justice.

3. Management-2 in its W.S. also denied the averments made by the claimant in his claim petition. Management-2 further submitted that the claim filed by the claimant herein is false frivolous and vexatious in nature; the claimant wanted to only extract money from the managements, the claimant didn’t submit any necessary and mandatory documents such as police verification, educational qualification, training certificates etc. to them; the claimant was undisciplined and habitual absentee and had been warned against the same. Lastly, it also prayed from dismissal of present claim petitions.

4. The claimant chose not to file his rejoinder.

5. After completion of pleadings, following issues had been framed for adjudication:

1. Whether the proceeding is maintainable?
2. Whether there exists any employer-employee relationship between the claimant and management-1.
3. Whether the service of the claimant were illegally terminated by management-1 or they voluntarily left their services?

4. To what relief the claimant is entitled to and from which date?

6. Thereafter, the claimant was required to bring his evidence. However, AR for the claimant Sh. Anil Rajput submitted that he was unable to communicate with the claimant, therefore, he could not file affidavit of evidence on his behalf.

In these circumstances when the claimant has not appeared to adduce his evidence, his claim has resulted in dismissal. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 04.12.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 41.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण दिल्ली नगर निगम, दक्षिण क्षेत्र, राम कृष्ण पुरम, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री प्रेम प्रकाश एवं 12 अन्य, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 40/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-19-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 41.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2020) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **South Delhi Municipal Corporation, South Zone, Rama Krishna Puram, New Delhi, and, Shri Prem Prakash and 12 others**, Worker, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-19– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 40/2020

Sh. Prem Prakash, and 12 others,

R/o House No.-389, 3rd Floor,

Sant Nagar, New Delhi-110083.

VERSUS

South Delhi Municipal Corporation,

South Zone, KD Colony, Sector-9,

Rama Krishna Puram, New Delhi-110022.

AWARD

This is an application **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by the claimants for their illegal termination. Claim of the claimants is that vide letter dated 16.03.2013, the SDMC through its office of the Assistant Commissioner, Central Zone, Lajpat Nagar informed workman Sh. Prem Prakash that his application has been shortlisted for engagement as a temporary daily wage safai karamchhari and he was required to be present before the Assistant Commissioner, Central Zone, Lajpat Nagar, SDMC on 23.03.2013 at 11 AM with the list of documents for verification.

Thereafter, on 26.07.2013, the terms of appointment were drawn up by the Assistant Commissioner, Central Zone and he was agreed. SDMC vide its office order bearing No. 1674/SS/DEMS/CNZ/13 dated 19.08.2013 deployed twenty people along with the workman Prem Prakash as newly engaged safai karamchhari in Ward No. 203. After two months of the service, the workman Prem Prakash along with other was removed as Safai Karamchhari which is an illegal and unjust. The workman Prem Prakash had been visiting to the SDMC office seeking re-employment, but, yielded no result. He had filed the RTI application bearing ID No. 26654 on 16.03.2016 stated

that the requisite information as sought is not available with them. He had again made a RTI application on 11.04.2016 bearing ID No. 26885 to the SDMC seeking information regarding his appointment and vide reply dated 09.05.2016, the SDMC through its office of the Executive Engineer (DEMS), Central Zone, Lajpat Nagar, New Delhi stated that the information sought does not pertain to their office. He has preferred the appeal before the First Appellate Authority. Workman Sh. Prem Prakash appeared on 12.08.2016, he was told that the relevant authority is not present and was asked to come again on 19.08.2016. Thereafter, the workman appeared on the said date, and to his utter shock and dismay, the relevant authority of the SDMC said that they had provided the information as sought beforehand, whereas, the truth was, the workman never received any response from them. As such he had preferred, being disappointed from every field, and then, he had filed the claim before the conciliation officer, however, conciliation became failure. Hence, they had filed the claim petition with the prayer that SDMC be directed to reinstate them in job with full back wages.

Management had already been proceeded ex-parte on 16.01.2023. Matter is listed for ex-parte evidence of workmen.

It is a matter of fact that claim of the claimants has been filed U/s 2A of the Act for their illegal termination. Before we proceed further, text of the Section 2A is required to be reproduced which are given under:

[2A. Dismissal, etc. of an individual workman to be deemed to be an industrial dispute

[(1)] Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.]

[(2)] Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

[(3)] The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1)].

A perusal of the aforesaid section would go to show that a dispute connected with or arising out of discharge, dismissal, retrenchment or otherwise termination of services of the workman can be directly agitated by workman U/s 2-A of the act and it is not necessary that such disputes should be sponsored by the trade union or a substantial number of workmen. However, what is required is that workman who has been discharged, dismissed, retrenched or terminated as specified in sub-section (1) of section 2-A can make an application directly to Labour Court or Tribunal for adjudication of his individual dispute after expiry of 45 days from the date he has made an application to conciliation officer of appropriate government for conciliation of dispute. Sub-section 3 of section 2-A lay down the time limit for making such application to Labour Court or the tribunal. It provides that such application to Labour Court or tribunal shall be made before expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of services as specified in sub-section-1. This right is available to the workman without any effect upon remedy available in section 10 of the act.

Here admittedly, workmen had filed the claim in the year 2020 after more than seven years of their illegal termination which is beyond the prescribed limit for filing the claim U/s 2(A) of the I.D Act. Hence, claim petition stands dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification as required U/s 17 of the I.D Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 23.12.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 42.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खेल प्राधिकरण, डॉ. कर्णी सिंह शूटिंग रेंज, सूरज कुंड रोड, तुगलकाबाद, नई दिल्ली; सर्वेश सिक्योरिटी सर्विसेज प्रा. लिमिटेड, सीएस-49, पहली मंजिल, अंसल प्लाजा (डाबर चौक के पास) वैशाली, गाजियाबाद, उत्तर प्रदेश, के

प्रबंधन के संबद्ध नियोजकों और श्रीमती विनीता कामगार, द्वारा -अखिल भारतीय आम मजदूर ट्रेड यूनियन, गिरि नगर, कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 04/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-21-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 42.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 04/2021) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Sports Authority of India, Dr. Karni Singh Shooting Range, Suraj Kund Road, Tughlakabad, New Delhi ; Sarvesh Security Services Pvt. Ltd., CS-49, 1st Floor, Ansal Plaza (Near Dabur Chowk) Vaishali, Ghaziabad, Uttar Pradesh, and, Smt. Vineeta, Worker, Through- All India General Mazdoor Trade Union, Giri Nagar, Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-21— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI

ID No. 04/2021

Ms. Vineeta vs. Sports Authority of India and Ors.

Smt. Vineeta, W/o Late Sh. Devender Singh,

R/o House No.-H-16/914, Sangam Vihar,

New Delhi-110062.

...Applicant/Claimant

Through- All India General Mazdoor Trade Union,

Regd. Office-170, Bal Mukund Khand, Giri Nagar,

Kalkaji, New Delhi-110019.

Versus

1. Sports Authority of India,

Dr. Karni Singh Shooting Range, Suraj Kund Road,

Tughlakabad, New Delhi-110044.

2. Sarvesh Security Services Pvt. Ltd.,

CS-49, 1st Floor, Ansal Plaza (Near Dabur Chowk)

Vaishali, Ghaziabad, Uttar Pradesh-201010.

...Managements/respondents

Counsels:

For Applicant/ Claimant:

Sh. Anil Rajput, Ld. AR.

For Management/ Respondent:

Sh. Niraj Kumar, Ld. AR for Sports Authority of India (management-1).

Sh. Uday Malhotra, Ld. AR for Sarvesh Security Services Pvt. Ltd. (management-2).

AWARD

This is an application filed U/s 2-A of Industrial Disputes Act, 1947 (herein after referred as 'the act') by the claimant herein. The claimant in her claim statement stated that she had been working at the post of security guard with management since 01.10.2018. She was promised a salary of Rs. 17498/- but she used to receive only 8,000/- per month. She wasn't getting any legal facility such as appointment letter, attendance sheet, E.S.I. and P.F. etc. When she demanded the said facilities, she was terminated from her service on 14.05.2019 without any prior notice. She also sent a demand letter by post demanding her arrears, remaining overtime and other statutory amount and also demanded for her reinstatement in service. Both managements received the letter but didn't reply nor paid any due amount. She submits that she has been unemployed ever since. She prayed that she be reinstated with full back wages.

2. Both managements had appeared and filed their respective written statements. Management-1 in its W.S. stated that the claimant was employee of management-2 i.e. M/s Sarvesh Security Service Pvt. Ltd. which is a separate and independent entity distinct from management-1. Management-1 had nothing to do with management-2 which is a security agency. There didn't exist any employer-employee relationship between the management-1 and the claimant herein. Management-1 further submitted that it doesn't carry out any activity that can be termed as business, manufacturing and trade nor it is engaged in any commercial activity. That, management-1 is a registered society registered in 1984 by Ministry of Youth Affairs and Sports (Government of India), thus, management-1 cannot be said to be an industry. Lastly, it prayed for dismissal of present claim petitions in interest of justice.

3. Management-2 in its W.S. also denied the averments made by the claimant in her claim petition. Management-2 further submitted that the claim filed by the claimant herein is false frivolous and vexatious in nature; the claimant wants to only extract money from the managements, the claimant didn't submit any necessary and mandatory documents such as police verification, educational qualification, training certificates etc. to them; the claimant was undisciplined and habitual absentee and had been warned against the same. Lastly, it also prayed for dismissal of present claim petitions.

4. The claimant chose not to file her rejoinder.

5. After completion of pleadings, following issues had been framed for adjudication:

1. Whether the proceeding is maintainable?
2. Whether there exists any employer-employee relationship between the claimant and management-1.
3. Whether the service of the claimant were illegally terminated by management-1 or they voluntarily left their services?
4. To what relief the claimant is entitled to and from which date?

6. Thereafter, the claimant was required to bring her evidence. However, AR for the claimant Sh. Anil Rajput submitted that he was unable to communicate with the claimant, therefore, he could not file affidavit of evidence on her behalf.

In these circumstances when the claimant has not appeared to adduce her evidence, her claim has resulted in dismissal. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 04.12.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 43.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय सतर्कता आयोग, आईएनए, नई दिल्ली; मेसर्स महाबीर एंड ब्रदर्स करोल बाग, नई दिल्ली, के प्रबंधन के संबंध में नियोजकों और श्री दीपक कुमार खेरल, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 177 of 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-11-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 43.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 177 of 2015) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to **Central Vigilance Commission, INA, New Delhi ; M/s Mahabir & Brothers Karol Bagh, New Delhi, and, Shri Deepak Kumar Kheral, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.**

[No. L-42025/07/2025-11— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 177/2015**Sh. Deepak Kumar Kheral, S/o Sh. Jai Raj Kheral,**

R/o- 175, Janta Quarter,

Vivek Vihar, Phase-I, Delhi.

Versus

1. Central Vigilance Commission,

Satarkta Bhawan, A- Block,

GPO Complex, INA, New Delhi-110005.

2. M/s Mahabir & Brothers

14-B-47, Dev Nagar,

Karol Bagh, New Delhi.

*Appearance:-**For Claimant: None**For Managements: Sh. Sumant, Proxy for M-1**None for M-2***AWARD**

This is an application of U/S 2A of the Industrial Disputes Act (here in after referred as an Act). Claimant had stated in his claim statement that he had been working with the respondent since 14.09.2011 at the post of Peon at the last drawn salary Rs. 6,800/- Per month. He did his work well and has not given any chance of making any complaint to the management nor he was charged while he was in service. Management was not providing services benefits as per labour law and the ESI facility was also provided very late. Management used to cut the amount on account of PF but the management had not provided any information regarding the PF nor provided any PF slip. The entire act of the management was against the law. When the workman demanded the same, management assured to think about the same. On 16th of February, when the workman went to establishment to join his duty but management informed that he has been turned out from the job and when the workman asked the reason for the same, the management did not answered the same and also refused to pay earned salary and without issuing any show cause notice or without holding any enquiry by the management he was illegally terminated from his job. Workman had many times approached to the management for his reinstatement, earned salary and service benefits but the management did not pay any heed to the request of the workman. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, he has filed the present claim.

WS has been filed by the Management-1. No one is appearing on behalf of the M-2 since beginning. Management-1 has denied the averment made in the claim statement. He also submits that claim is not maintainable and is liable to be dismissed.

Issues have been framed vide order dated 16.02.2017. Now, the matter is listed for workman evidence. Workman is required to adduce his evidence. Despite providing a number of opportunities, neither the claimant nor his AR is appearing to substantiate his claim.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 06.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 44.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानिदेशक, आवास एवं शहरी कार्य मंत्रालय, मौलाना आज़ाद मार्ग, नई दिल्ली; विशाल इंटरनेशनल, (सामान्य आदेश आपूर्तिकर्ता का सरकारी ठेकेदार), कृष्णा नगर, दिल्ली; आदित्य टेक्नोलॉजी (ठेकेदार), पुल प्रह्लाद पुर, नई दिल्ली, के

प्रबंधन के संबद्ध नियोजकों और श्री राजीव यादव, कामगार, श्री मनोज कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 169/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ

[सं. एल-42025/07/2025-20-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 44.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 169/2020) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director General, Ministry of Housing & Urban Affair, Maulana Azad Marg, New Delhi ;Vishal International,(Govt. Contractor of General Order Supplier), Krishna Nagar, Delhi ;Aditya Technology (Contractor), Pul Prahlad Pur, New Delhi, and, Shri Rajiv Yadav, Worker, Shri Manoj Kumar, Worker,** which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-20– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 169/2020

1. **Sh. Rajiv Yadav, S/o Sh. Lal Chand Yadav, &**

2. **Sh. Manoj Kumar, S/o Sh. Kiran Pal,**

Through-CPWD Karamchari Union,

B-40, MCD Flats, Boulevard Road,

Tis Hazari, Delhi-110054.

VERSUS

1. The Director General,

Ministry of Housing & Urban Affair,

Room No. 219 C, Nirman Bhawan,

Maulana Azad Marg, New Delhi-110011.

2. **Vishal International,**

(Govt. Contractor of General Order Supplier)

B.N. House, B-08/24, Krishna Nagar, Delhi-110051.

3. **Aditya Technology (Contractor),**

GD-95-A, D-5, 3rd Floor, Pul Prahlad Pur,

New Delhi-110044.

Appearance

For claimants: None.

For respondent: None.

AWARD

This is an application U/S 2A of the Industrial Disputes Act (here in after referred as an Act) filed by the claimants for their illegal termination. Claim of the claimants is that they were working with the management since 01.08.2014 at the post of MTS at the last drawn salary of Rs. 12,894/- p.m. They had been doing their duty with diligently and honestly and had not given any chance to the management for any complaint. They were working with the management from four years and they have unblemished service record. However, from the initial date of joining they were treated as daily rated/casual/must roll worker and was being paid as fixed wages and never revised from time to time under the Minimum Wages Act by the appropriate government while their counterparts doing identical work and the work of the same value but was being treated as regular employees were paid their salary in proper pay

scale and allowances. Management-1 had appointed them and they were supervised by the management-1 only. However, management-1 registered the name of the workmen in the roles of management-2 on 31.12.2017 and then registered to the management-3 on 01.01.2018. Even, the management-1 had not paid the salary to the workmen for the period of 01.10.2017 to 31.12.2017. Workmen had requested many times to regularize them but, the management never responds to them and continuously changed the contractor. When the workmen demanded the same, management got adamant and illegally terminated their services on 31.10.2018. At the time of termination of services, no seniority list was displayed, no notice was given, no notice pay was either offered or paid, no services compensation was offered and paid to workmen which is violation of section 25 (f), (g) & (h) of the I.D Act, 1947 read with rules 76 and 77 of the I.D (central) rules, 1957. The demand notice was served upon to the managements, but, no reply was received and it was presumed that the demand has been rejected. Hence, they filed the claim with the prayer to reinstate them with full back wages.

Management-1, 2 & 3 have filed their respective written statements. They have denied the averment made in their claim statement. They submit that claim filed by the claimants is devoid of any merit and deserves to be dismissed.

Now, the matter is listed for workmen evidence. Workmen have not been appearing since long to substantiate their claim inspite of providing a number of opportunities.

In view of the facts on record that claimants have not been appearing since long to substantiate their claim, their claim has been resulted into failure. Hence, claim of the claimants stands dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 09.12.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 45.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सूचना एवं प्रसारण मंत्रालय, सीजीओ कॉम्प्लेक्स, नई दिल्ली; पंकज सिक्योरिटी सर्विसेज, उत्तम नगर, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती संगीता देवी, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 150/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-22-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 45.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 150/2023) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Ministry of Information & Broadcasting, CGO Complex, New Delhi; Pankaj Security Services, Uttam Nagar, New Delhi,, and, Smt. Sangeeta Devi, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-22– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI

ID No. 150/2023

Ms. Sangita Devi vs. Ministry of Information and Broadcasting and Anr.

Smt. Sangeeta Devi, S/o Sh. Krishna Kumar,

House No.-A-230, J.J. Colony, Tigri, New Delhi-110062.

...Claimant/Applicant

Versus

1. Ministry of Information & Broadcasting,

Gate no.-02, Ground Floor & 1st Floor, Lodhi Colony,

CGO Complex, New Delhi-110003.

2. Pankaj Security Services,

House No-100, Gali No.-24, Raja Puri,
Uttam Nagar, New Delhi-110059.

....Managements/Respondents

Counsels:

For Applicant/ Claimant:

None for the claimant.

For Management/ Respondent:

None for Ministry of Information and Broadcasting (Management-1).

Ms. Mansi Asthana and Ms. Komalpreet Kaur, Ld. ARs for Pankaj Security Services (management-2).

AWARD

This is an application filed U/s 2-A of Industrial Disputes Act, 1947 (herein after referred as 'the act'). The claimant in her claim statements stated that she had been working as a sweeper in the premises of management-1 since 15.11.2015 at the salary of Rs. 14,500/- per month; management-1 kept changing the contractors but the claimant continued to work diligently with the management; she wasn't getting mandatory facilities such as appointment letter, minimum wage, earned leaves, gazetted holidays, salary slip, bonus etc. When she raised objection regarding the same, she was terminated on 23.09.2022 without prior notice, charge sheet or enquiry. She went to the office of management demanding to reinstate her but her demand was denied vehemently; she also sent a demand letter dated 04.10.2022 by speed post but she didn't receive any reply. She prayed that she be reinstated with full back wages and litigation expense with interest at the rate of 18 percent per annum.

2. Management-1 didn't appear since beginning of the proceedings to contest the claim.

3. Management-2 appeared and filed its W.S. where it stated that the claim was false, frivolous, baseless, vexatious, concocted and vague; it denied that the claimant was appointed as a sweeper w.e.f. 15.11.2015 through contractor as alleged; the claimant had joined the services of management on 01.07.2019 and worked till 31.03.2021; the claimant was irregular in performing her duties and used to be absent from the duty without informing the management or its officials; she used to receive all the legal facilities such as attendance, promotion, bonus, leaves, overtime, travelling allowance etc.; she was absent from the work without intimating the management since 31.03.2021; when the answering management enquired about her absence, she didn't pay any heed; shockingly, it came to the knowledge of management that she was gainfully employed with another employer. Hence, the answering management was forced to appoint another person in her place. It further submitted there was no outstanding due towards the claimant and made prayer that claim of the claimant be dismissed with cost.

4. Thereafter, the claimant was required to file her rejoinder. However, neither rejoinder has been filed nor the claimant has been appearing for prosecution her claim despite providing a number of opportunities. Hence, her claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 04.12.2024.

नई दिल्ली, 9 जनवरी, 2025

का.आ. 46.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विश्वविद्यालय अनुदान आयोग (यूजीसी), शिक्षा मंत्रालय, भारत सरकार, बहादुर शाह जफर मार्ग, नई दिल्ली; यूजीसी नेट ब्यूरो, दिल्ली विश्वविद्यालय का दक्षिणी परिसर, बेनिटो झुरेज़ मार्ग, नई दिल्ली; निदेशक, एडीसी इलेक्ट्रोसॉफ्ट प्राइवेट लिमिटेड, तिलक नगर, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और सुश्री जोगिंदर कौर, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, गोविंद पुरी एक्सटेंशन मेन रोड कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 85/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-23-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 46.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/2023) of the **Central Government Industrial Tribunal cum Labour Court– II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **University Grant Commission (UGC), Ministry of Education, Govt. of India, Bhadur Shah Zafar Marg ,New Delhi; UGC Net Bureau, South Campus of Delhi University, Benito Jhuarez Marg, New Delhi; The Director, ADC Electrosoft Pvt. Ltd.,Tilak Nagar, New Delhi, and, Ms. Joginder Kaur, Worker, Through- Indian National Migrant Worker, Union, Govind Puri Extn. Main Road Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-23– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 85/2023

Ms. Joginder Kaur, D/o Sh. Amreek Singh,

Through- Indian National Migrant Worker's Union,
1770/8, 03rd Floor, Govind Puri Extn. Main Road Kalkaji,
New Delhi-110019.

VERSUS

1. **University Grant Commission (UGC),**
Ministry of Education, Govt. of India,
Bhadur Shah Zafar Marg, Near ITO Metro Gate No. 03,
New Delhi-110002.
2. **UGC Net Bureau,**
South Campus of Delhi University,
Benito Jhuarez Marg, New Delhi-110021.
3. **The Director, ADC Electrosoft Pvt. Ltd.,**
WZ-139-C, 03-A, Bhanu Complex, 01st Floor,
New Mahavir Nagar, Tilak Nagar, New Delhi-110018

Appearance

For claimants: None

For respondent: Sh. Shubham Kumar, Ld. AR for M-3.

AWARD

The appropriate Government has sent the reference refer dated 24.05.2023 to this tribunal for adjudication in the following words:

“Whether claim of Ms. Joginder Kaur D/o Sh. Amreek Singh through Indian National Migrant Workers Union, New Delhi vide letter dated NIL to the management of M/s ADC Electrosoft Pvt. Ltd., New Delhi (Contractor) under University Grants Commission (UGC), New Delhi/UGC Net Bureau, New Delhi that her termination w.e.f. 02.04.2022 was illegal under ID Act, 1947, is proper, legal and unjustified? If yes, what reliefs as sought vide letter under reference are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 20.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 47.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विश्वविद्यालय अनुदान आयोग (यूजीसी), शिक्षा मंत्रालय, भारत सरकार, बहादुर शाह जफर मार्ग, नई दिल्ली; यूजीसी नेट ब्यूरो, दिल्ली विश्वविद्यालय का दक्षिणी परिसर, बेनिटो झुरेज़ मार्ग, नई दिल्ली; निदेशक, एडीसी इलेक्ट्रोसॉफ्ट प्राइवेट लिमिटेड, तिलक नगर, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री तसव्वर हुसैन, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, गोविंद पुरी एक्सटेंशन मेन रोड कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 86/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-24-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 47.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/2023) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **University Grant Commission (UGC), Ministry of Education, Govt. of India, Bhadur Shah Zafar Marg, New Delhi; UGC Net Bureau, South Campus of Delhi University, Benito Jhuarez Marg, New Delhi; The Director, ADC Electrosoft Pvt. Ltd., Tilak Nagar, New Delhi, and, Shri Tasauwar Hussain, Worker, Through- Indian National Migrant Worker, Union, Govind Puri Extn. Main Road Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-24— IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI****ID.No. 86/2023**

Sh. Tasauwar Hussain, S/o Sh. Ali Akhtar Hussain,
Through- Indian National Migrant Worker's Union,
1770/8, 03rd Floor, Govind Puri Extn. Main Road Kalkaji,
New Delhi-110019.

VERSUS

- 1. University Grant Commission (UGC),**
Ministry of Education, Govt. of India,
Bhadur Shah Zafar Marg, Near ITO Metro Gate No. 03,
New Delhi-110002.
- 2. UGC Net Bureau,**
South Campus of Delhi University,
Benito Jhuarez Marg, New Delhi-110021.
- 3. The Director, ADC Electrosoft Pvt. Ltd.,**
WZ-139-C, 03-A, Bhanu Complex, 01st Floor,
New Mahavir Nagar, Tilak Nagar, New Delhi-110018

*Appearance**For claimants: None**For respondent: Sh. Shubham Kumar, Ld. AR for M-3.*

AWARD

The appropriate Government has sent the reference refer dated 25.05.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Tasauwar Hussain, S/o Sh. Ali Akhtar Hussain through Indian National Migrant Workers Union, New Delhi vide letter dated NIL to the management of M/s ADC Electrosoft Pvt. Ltd., New Delhi (Contractor) under University Grants Commission (UGC), New Delhi/UGC Net Bureau, New Delhi that her termination w.e.f. 02.04.2022 was illegal under ID Act, 1947, is proper, legal and unjustified? If yes, what reliefs as sought vide letter under reference are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 20.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 48.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विश्वविद्यालय अनुदान आयोग (यूजीसी), शिक्षा मंत्रालय, भारत सरकार, बहादुर शाह जफर मार्ग, नई दिल्ली; यूजीसी नेट ब्यूरो, दिल्ली विश्वविद्यालय का दक्षिणी परिसर, बेनिटो झुरेज़ मार्ग, नई दिल्ली; निदेशक, एडीसी इलेक्ट्रोसॉफ्ट प्राइवेट लिमिटेड, तिलक नगर, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री बिमल मिश्रा, कामगार, द्वारा-भारतीय राष्ट्रीय प्रवासी श्रमिक संघ, गोविंद पुरी एक्सटेंशन मेन रोड कालकाजी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 87/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-25-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 9th January, 2025

S.O. 48.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/2023) of the **Central Government Industrial Tribunal cum Labour Court— II New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **University Grant Commission (UGC), Ministry of Education, Govt. of India, Bhadur Shah Zafar Marg, New Delhi; UGC Net Bureau, South Campus of Delhi University, Benito Jhuarez Marg, New Delhi; The Director, ADC Electrosoft Pvt. Ltd., Tilak Nagar, New Delhi, and, Shri Bimal Mishra Worker, Through- Indian National Migrant Worker, Union, Govind Puri Extn. Main Road Kalkaji, New Delhi**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-25– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

ID.No. 87/2023

Sh. Bimal Mishra, S/o Sh. Baliram Mishra,

Through- Indian National Migrant Worker's Union,

1770/8, 03rd Floor, Govind Puri Extn. Main Road Kalkaji,

New Delhi-110019.

VERSUS**1. University Grant Commission (UGC),**

Ministry of Education, Govt. of India,
Bhadur Shah Zafar Marg, Near ITO Metro Gate No. 03,
New Delhi-110002.

2. UGC Net Bureau,

South Campus of Delhi University,
Benito Jhuarez Marg, New Delhi-110021.

3. The Director, ADC Electrosoft Pvt. Ltd.,

WZ-139-C, 03-A, Bhanu Complex, 01st Floor,
New Mahavir Nagar, Tilak Nagar, New Delhi-110018

Appearance

For claimants: None

For respondent: Sh. Shubham Kumar, Ld. AR for M-3.

AWARD

The appropriate Government has sent the reference refer dated 25.05.2023 to this tribunal for adjudication in the following words:

“Whether claim of Sh. Bimal Mishra, S/o Sh. Baliram Mishra, through Indian National Migrant Workers Union, New Delhi vide letter dated NIL to the management of M/s ADC Electrosoft Pvt. Ltd., New Delhi (Contractor) under University Grants Commission (UGC), New Delhi/UGC Net Bureau, New Delhi that her termination w.e.f. 02.04.2022 was illegal under ID Act, 1947, is proper, legal and unjustified? If yes, what reliefs as sought vide letter under reference are the disputant worker entitled and what directions, if any, are necessary in the matter?”

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunities.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 20.11.2024

नई दिल्ली, 9 जनवरी, 2025

का.आ. 49.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयुक्त, उत्तरी दिल्ली नगर निगम नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्री राज कुमार, कामगार, द्वारा - अध्यक्ष, राष्ट्रीय जनरल मजदूर यूनियन, तीस हजारी, नई दिल्ली, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट (संदर्भ संख्या 254/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-06-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

मणिकंदन.एन, उप निदेशक

New Delhi, the 10th January, 2025

S.O. 50.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D. No. 05/2018** of the **Central Government Industrial Tribunal-cum-Labour Court,Bhubaneswar** as shown in the Annexure, in the industrial dispute between the Management of **MCL Jagannath Area.** and their workmen, received by the Central Government on **09/01/2025.**

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,

Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 05/2018

Date of Passing Order – 30th August, 2024

Between :-

1. M/s. Cavalier Transporters Pvt. Ltd.,
Flat No. 291, The Excellence Apartment,
Plot No. 4, Sector – 18-A, Phase-2, Dwarka,
New Delhi – 110 075.

2. The General Manager,
Jagannath OCP of M/s. MCL, Jagannath Area,
Talcher, Dist. Angul (Odisha).

... 1st Party-Managements.
(And)

BairagiCharanSahoo,
At./Po. Pangatira, P.S. Parjang,
Dist. Dhenkanal, Odisha.

... Applicant-Workman.

Appearances:

None.	...	For the 1 st Party-Managements.
None.	...	For the Applicant-Workman.

ORDER

This is an application of applicant-workman filed under section 2-A(2) of the Industrial Disputes Act (herein-after referred as an “Act”).

2. The case of the applicant-workman as per his statement of claim is that he was working since 2009 as a high skilled worker as heavy Vehicle Driver under the Management No. 2 through vendor contractor, Management No. 1 and he was being paid less minimum wages than the wages paid to the employees working for similar work at the same work place. Further he was never paid bonus through-out his service period and the Management No. 1 is always irregular in making payment of his salary in every month. Such action of the management is an unfair labour practice. He approached the Asst. Labour Commissioner (Central), Angul on dated 12.10.2017, but no result was yielded. Hence he has filed the present claim petition.

3. Both the Managements have not appeared and have not filed any written statements.

4. Applicant-workman is asked to prove his case. However, despite providing a number of opportunities, applicant-workman has not turned up to prove his claim. As the applicant-workman has not turned up for proving his case, his claim stands dismissed.

5. Award is passed accordingly.

6. A copy of this Award is sent to the appropriate government for notification as required under section 17 of the I.D. Act, 1947. File is consigned to record room.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 10 जनवरी, 2025

का.आ. 51.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम सी एल जगन्नाथ क्षेत्र के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *दिल्ली जगन्नाथ क्षेत्र के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में* सह - Je U; k; ky; , भुवनेश्वर के पंचाट (सन्दर्भ संख्या 06/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09@01@2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 10th January, 2025

S.O. 51.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.06/2018** of the **Central Government Industrial Tribunal-cum-Labour Court,Bhubaneswar** as shown in the Annexure, in the industrial dispute between the Management of **MCL Jagannath Area.** and their workmen, received by the Central Government on **09/01/2025**

[No. L-22013/01/2025- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 06/2018

Date of Passing Order – 30th August, 2024

Between :-

1. M/s. Cavalier Transporters Pvt. Ltd.,
Flat No. 291, The Excellence Apartment,
Plot No. 4, Sector – 18-A, Phase-2, Dwarka,
New Delhi – 110 075.

2. The General Manager,
Jagannath OCP of M/s. MCL, Jagannath Area,
Talcher, Dist. Angul (Odisha).

... 1st Party-Managements.

(And)

Uchhab Pradhan,
At./Po. Gobara, P.S. Vikrampur, Dist. Angul,
Odisha.

... Applicant-Workman.

Appearances:

None. ... For the 1st Party-Managements.
None. ... For the Applicant-Workman.

ORDER

This is an application of applicant-workman filed under section 2-A(2) of the Industrial Disputes Act (herein-after referred as an act).

2. The case of the applicant-workman as per his statement of claim is that he was working since 2009 as a high skilled worker as heavy Vehicle Driver under the Management No. 2 through vendor contractor. He was being paid less minimum wages than the wages paid to the employees working for similar work at the same work place. Further he was never paid bonus through-out his service period and the Management No. 1 is always irregular in making payment of his salary in every month. Such action of the management is an unfair labour practice. He approached Asst. Labour Commissioner (Central), Angul on dated 12.10.2017, but no result was yielded. Hence he has filed the present claim petition.

3. Both the Managements have not appeared and have not filed any written statements.

4. Applicant-workman is asked to prove his case. However, despite providing a number of opportunities, applicant-workman has not turned up to prove his claim. As the applicant-workman has not turned up for proving his case, his claim stands dismissed.

5. Award is passed accordingly.

6. A copy of this Award is sent to the appropriate government for notification as required under section 17 of the I.D. Act, 1947. File is consigned to record room.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 13 जनवरी, 2025

का.आ. 52.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, भारतीय समुद्री विश्वविद्यालय (पूर्व में राष्ट्रीय जहाज डिजाइन और अनुसंधान केंद्र (एनएसडीआरसी) के रूप में जाना जाता था), गांधीग्राम, विशाखापत्तनम; कार्मिक प्रशासन अधिकारी-सह-सचिव, भारतीय समुद्री विश्वविद्यालय, (पूर्व में राष्ट्रीय जहाज डिजाइन और अनुसंधान केंद्र (एनएसडीआरसी) के रूप में जाना जाता था), गांधीग्राम, विशाखापत्तनम, के प्रबंधन के संबद्ध नियोजकों और श्री वेगी श्रीनिवास राव,, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय- हैदराबाद पंचाट (संदर्भ संख्या 102/2009) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025-26-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 13th January, 2025

S.O. 52.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. ID. No. 102/2009) of the **Central Government Industrial Tribunal cum Labour Court— Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Indian Maritime University (formerly known as National Ship Design and Research Centre(NSDRC),Gandhigram, Visakhapatnam ;The Personnel Administration Officer-cum-Secretary, Indian Maritime University,(formerly known as National Ship Design and Research Centre (NSDRC), Gandhigram, Visakhapatnam, and Shri Vegi Srinivasa Rao, Worker**, which was received along with soft copy of the award by the Central Government on 09.01.2025.

[No. L-42025/07/2025-26– IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 24th day of December, 2024

INDUSTRIAL DISPUTE L.C.No. 102/2009

Between:

Sri Vegi Srinivasa Rao,

S/o V. Jogi Naidu alias Jogulu,

Plot No.197, Ground floor,
Srinivasanagar Colony,
High Tension Road, Hyderabad.

.....Petitioner

AND

1. Indian Maritime University
(formerly known as National Ship Design and
Research Centre(NSDRC), rep. by its Director,
Gandhigram, Visakhapatnam -530 005.
2. Indian Maritime University,
(formerly known as National Ship Design and
Research Centre(NSDRC),
Personnel Administration Officer-cum-
Secretary, Gandhigram, Visakhapatnam-530 005.Respondents

Appearances:

For the Petitioner : Sri A.S. Rama Sarma, Advocate

For the Respondent: M/s. Saibaba & Srinivas, Advocates

AWARD

Sri Vegi Srinivasa Rao who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Indian Maritime University seeking for declaring the proceeding dated 24.3.2006 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner submits that the Respondent organization is an autonomous body under the Ministry of Shipping, Government of India and is fully funded by government. The Petitioner submits that he is a graduate in Commerce, MBA and M.Com., PGDIRPM with technical qualifications of Type Writing and Shorthand in English, Telugu and Hindi and Diploma in Computer Applicants. While he was working as personnel secretary in ARM Limited, Hyderabad with a wage of Rs.5,000/- per month on permanent rolls, he left the said job and joined the Respondent organization in pursuance of an appointment order dated 07.08.2000 on temporary basis for a period of six months at a consolidated salary of Rs.4,300/-. Further it is submitted that even before the completion of the above mentioned six months he was appointed to the post of Office Assistant Gr.IV w.e.f. 01.01.2001 vide Head Personnel & Trg. Letter No.NSDRC/1406(B)/10921 dt.29.12.2000 in the time scale of Rs.4000-100-6000 with D.A, HRA & CCA and other benefits as applicable. It is submitted that initially his basic pay was fixed as Rs.4,000/- per month and the appointment is made on contract basis for a period of five years, w.e.f. 01.01.2001. It is submitted that again NSDRC issued another appointment order bearing No.NSDRC/539/6215 dt.01.10.2001 of Head Pers. & Trg., Gandhigram, Visakhapatnam - 530 005 changing the "basic pay" as Lumpsum Amount and the said amount includes the benefits such as Provident Fund, Gratuity, Medical Allowance, LTC, Encashment of Leave, Dress Code etc . In that Order it is clearly mentioned that he is eligible for all Holidays as may be by 2.5 day leave for each completed month of service. It is submitted that he is at liberty to encash the unavailed leave, if any, at the end of the year. For the purpose of computation of TA/DA 50% of Lumpsum payment will be treated as basic pay. Also in the event of allotment of NSDRC residential quarter of vacancy the same shall be charged with a License fees of 7.5% of the Lumpsum amount and he is liable to be transferred anywhere in India or abroad. It is submitted that as per the appointment order basing on his performance the Compensation Lumpsum amount of Rs.8,500/- will be assessed and the same may be reviewed regularly by the Management. In view of this his payment was enhanced from Rs.8,500/ to 9,200/- per month w.e.f 01.06.2003 based on the recommendation of HOD vide letter No.NSDRCI539 dated 09.06.2003. It is submitted that while the matter stood thus, the Respondent organization issued notice dated 24.03.2006 received on 13.04.2006 to the effect that his services are no longer required on completion of 3 months. Assailing the said notice the Petitioner has filed W.P. No.11289/2006 before the Hon'ble High Court of A.P. and the Hon'ble High Court was pleased to admit the writ petition and has passed interim orders in W.P.M.P. No.14041/2006 by an order dated 09.06.2006 by suspending the proceedings dated 24.03.2006. Subsequently the applicant has sought for permission of the Hon'ble High Court of A.P. for withdrawal of writ petition with a liberty to approach the Labour Court and challenge the order dated 24.03.2006. It is submitted that the Hon'ble High Court of A.P. was pleased to order the same by an order dated 04.12.2006. It is submitted that subsequent to the said order the applicant through his counsel got issued legal notice to the Respondents to withdraw the proceedings dated 24.3.2006 and to take back the Petitioner into service which was received by the Respondents but did not respond to

the same. The impugned notice of termination is arbitrary, illegal and contrary to Sec.25F of the I.D. Act, 1947. Having engaged the applicant without any stipulation/tenure and having allowed him to continue for more than 240 days of service and serving notice of retrenchment without following the provision of 25F of the I.D. Act, renders the notice of retrenchment, abinitio, void and is liable to be ignored in the light of the law laid down by the Apex Court in the cases reported in AIR 1976 SC 1111 and AIR 1984 SC 500 and other subsequent cases. It is submitted that he rendered continuous service of six years i.e., from 07.08.2000 to till date, without any break. Depriving him livelihood at this distance of time, is arbitrary, illegal and it violates Article 21 of the Constitution of India. It is submitted that he is overaged for any Public Employment and he is married and had a child and his parents are dependants on him. It is submitted that having extracted continuous service for more than 6 years it is not open to the Respondents that to an autonomous body of the Central Government to resort to the system of Hire and Fire. It is submitted that even by retrenching his services the Respondent is under obligation to consider his case under Sec.25F of I.D. Act, since the Respondent establishment comes within the definition of Industry under Sec.2(j) of I.D. Act, and since he comes under the definition of Sec.2(s) of L.D. Act, 1947. It is submitted that the applicant is not doing any supervisory functions. The bench of Hon'ble High Court of A.P. in P. Bhoopal Vs. Director National Remote Sensing Agency reported in 1997(4) ALT page 500 directed the Respondents therein to consider against for the Petitioners therein future vacancy adhoc/temporary/regular appointment without considering the age. Same is the case with a decision of Hon'ble High Court of A.P, in 1997 (4) ALT 473. It is further submitted that it is not a case where the Respondent establishment is either closed or proposed to be closed. Under these circumstances the impugned notice of retrenchment is abinitio void. It is submitted that there are vacancies in the organization and the very fact that he was continued for a considerable period reflects that there is a need to continue him in service and the present notice of retrenchment is only to impermissible under law, and to substitute his services with another temporary employee in order to deprive him the legitimate right to seek regularization. It is submitted that even now 16 employees who are contract/temporary are continuing without there being any retrenchment notice to them. Out of them, one Sri Krishna Prasad is continuing as such on temporary basis even though he was given 3 months retrenchment notice. It is submitted that Sec.25-F and 25-H of the I.D. Act, have to be followed while effecting the retrenchment. It is submitted that the voluntary retirees from the government are still working in Hyderabad Division. It is submitted by the applicant that he worked in the organization from the inception in the year 2000 as Office Assistant and there is workload and the Respondent Organization at Hyderabad Division issued letter dated 4.4.2006 stating that his services are very much essential as he is well versed with all documents and correspondences, as such retrenching him from service without following the procedure prescribed under Industrial Disputes Act is void. The workman further submits that there is abundant work in the Respondent's organization, which is perennial in nature and as such the inaction on the part of the Respondent to reinstate him into service with all consequential and attendant benefits and resorting to engaging fresher's in preference to the workman, is illegal, arbitrary, contrary to the provisions of Industrial Disputes Act and as such he prays the intervention of this Court for remedial justice.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the objectives for which the Respondent organization is established are: To promote and develop design and research activities for Shipping and shipbuilding. To improve efficiency and productivity of shipbuilding and shipping sectors. To assimilate knowledge with reference to advancement in Maritime technology in the world and dissemination thereof to elevate the Indian Maritime Sector to keep it abreast with international standard. Preparation of long and short term plans for research and development in maritime sector, to promote the development of maritime standards in the fields of ship design and construction, to provide consultancy and training facilities in various fields connected with shipping, shipbuilding and other maritime activities to attend to any other matters incidental or allied to the above mentioned objectives. It is submitted that initially NSDRC was under the administrative control of the Ministry of Shipping, Road Transport and Highways, Government of India. The affairs of NSDRC shall be managed, administered, directed and controlled subject to the rules and regulations of the Society, by the Governing Body. The Governing Body will administer the activities and funds of the Respondent organization and its various Committees and make policy decisions on behalf of the NSDRC. The Governing Body functions as an Executive Body of the NSDRC and subject to the provisions of the rules it conducts the administration and management of the NSDRC. The Governing Body consists of members from Central / State Government / Ministries / Departments / Agencies, Representatives from Ship owners / Shipbuilders, Expert members representing Industries / Institutions / Consultants related to shipping / shipbuilding industries. NSDRC is supported by the Ministry of Shipping, Government of India by way of financial grant. NSDRC is governed by Bye-Laws and Service Rules approved by the Governing Body. It is submitted that NSDRC is merged with the said fact is within the Respondent University on 14.11.2008. It is true that National Ship Design and Research Centre (NSDRC), a registered Society under Societies Registration Act 1860 with Reg. No.139 of 1989. NSDRC has been duly subsumed into Indian Maritime University, by an Act of Parliament on 14th November 2008. Since the NSDRC/1st Respondent has been dissolved and does not exist as on the date of filing of the I.D., the I.D. is liable to be dismissed for non-joinder of necessary parties and the I.D. against R-1 is not maintainable. Further the allegation that the "Respondent/Organization is fully funded by Government" is incorrect. In fact the Respondent/Organization is only a society and gets funds from the Ministry as Grants-in-Aid. The appointment order dated 7.8.2000 was a temporary

one and for a period of six months as such the question of retrenchment does not arise. It is submitted that on 25.03.1996 one Sri P. Sambandan, joined NSDRC as Director. He resigned from the services of NSDRC w.e.f. 4.11.2004. Prior to his joining there were no personnel employed on temporary basis because the Services Rules of NSDRC do not provide for employment of personnel on temporary basis. However, after Sri P. Sambandan joined NSDRC he deviated from the rules of the organization and started employing personnel on temporary/lump sum basis/contract basis against non-existing posts. NSDRC had not followed such recruitment prior to 1997. Some Personnel were employed by Sri P. Sambandan as lump sum/contract, temporary employees in NSDRC. The details of the illegal appointments made in the said period are annexed to this Counter Affidavit. Though there were no vacancies some of the temporary personnel employed by him were illegally or irregularly regularized out of the way in NSDRC by the then Director. All these decisions/actions of Sri Sambandan, Former Director were without informing the Governing Body or sanction from the Administrative Ministry. When such irregularities came to light, the Ministry of Shipping appointed Sri B.Srinivas, I.A.S., the then Chief Vigilance Officer, Hindustan Shipyard Limited to enquire into the illegalities/irregularities in recruitment in NSDRC during the tenure of Sri P. Sambandan as Director. The Enquiry Officer submitted his report to the Ministry of Shipping. The Enquiry Officer vide letter dt.26.5.2004 set out serious irregularities committed by Sri P. Sambandan and an explanation of Sri P. Sambandan was called for by the Ministry. Further the CBI has registered a case of irregularities in recruitment vide their case registration number Rc.10(A)/2005 against Shri Sambandan and the investigation is pending against him. A letter from the CBI seizing the files pertaining to illegal appointments in NSDRC is enclosed herewith and I crave leave of this Hon'ble Court to peruse the same as part of this Counter Affidavit for all purposes. In the 52nd meeting held on 02.08.2004 the Governing Body of NSDRC discussed the irregularities in recruitment by Sri P. Sambandan and called upon Sri P. Sambandan to explain the lapses. It is contextual to submit that Sri P. Sambandan indeed admitted the irregularities committed by him, but stated that there was no mala fides in these irregularities committed by him. The Petitioner is one of the persons appointed in that period without following any procedure or against any cadre/vacant post. In the above background the facts relating to the Petitioner are submitted chronologically.

11-05-2000	the Petitioner applied for any suitable posts in NSDRC.
07-08-2000	Petitioner was appointed as Temporary "Assistant" on consolidated salary of Rs.4300/- pm.
01-01-2001	The Petitioner entered into service agreement for working on contract basis on a scale of Rs.4000-100-6000 PM. services agreement provides for termination of service during the currency agreement.
01-10-2001	The Petitioner was offered contract employment and the Petitioner accepted this contract appointment and joined duty as Office Assistant Grade II
03-02-2004	Shri B. Srinivas, IAS, Ex-Chief Vigilance Officer, HSL was entrusted to enquire into the illegal, irregular appointments made during the tenure of Sri P. Sambandan by Secretary (Shipping), Government of India and to submit a report to the Administrative Ministry.
01-04-2004	Shri B. Srinivas, IAS, Ex-Chief Vigilance Officer, HSL has submitted his report to the Ministry of Shipping, Govt. of India
26-05-2004	The Joint Secretary (Shipping) and Chief Vigilance Officer while enclosing the findings of Sri P. Sambandan called upon Shri P. Sambandan to explain within 15 days on the findings of Sri B. Srinivas, IAS, Ex-Chief Vigilance Officer
04-11-2004	Sri P. Sambandan resigned as Director of NSDRC. The Administrative Ministry entrusted the matter to CBI F proceedings in the matter against Sri P. Sambandan
06-04-2005	CBI case RC No. 10(A) 2005 is stated to be pending investigation and all the original files relating to the appointments made by Sri P. Sambandan have been handed over to CBI
	NSDRC decided to terminate the contract appointment by following the contractual terms available in this behalf.
24-03-2006	The Impugned order has been issued by the Personal and Administrative Officer cum Secretary, NSDRC which was received by the Petitioner

From the above it is submitted that all the appointments made during the tenure of Sri P. Sambandan are illegal, irregular, without following the Rule of Reservation, without following the due process of selection envisaged under the rules. The Petitioner was never subjected to selection process or was appointed against any clear vacancy. It is pertinent to submit here that NSDRC for want of viable projects/consultancy is unable to meet its overheads including monthly salaries of its permanent employees. As a matter of fact there is no work for temporary/lump sum employees. There is no illegality or irregularity in the order of termination and on the other hand the impugned termination is in accordance with the terms of contract appointment issued in favour of Petitioner. It is submitted that no exception can

be taken to the action of Respondent. It is true that the Petitioner filed a Writ Petition and Interim Stay was granted by the Hon'ble High Court. Subsequently the writ was withdrawn by the Petitioner on the ground of a different reason other than what is stated in the petition. It is to submit that the following writ petitions W.P. No. 12004 of 2006, W.P. No.12005 of 2006, W.P. No.11232 of 2006, W.P. No.11339 of 2006, W.P. No.13206 of 2006 and W.P. No. 13231 of 2006 were filed by different employees wherein an interim stay order was granted and later on merits of the case all the writ petitions were dismissed by the Hon'ble High Court by observing that termination can be brought about by operation of the terms of the contract of employment and in such an event, it does not amount to retrenchment under Section 25-F of the Act. It is submitted that Petitioner averment that he had put in more than 240 days of service and serving notice of retrenchment without following the provisions of 25F of the ID Act is abinitio void" is totally incorrect and not applicable to the facts of the Petitioner's case. It is only a contract between the Petitioner and the Respondent organization and clause 9 of the said contract appointment is very clear that the services may be terminated by either side on giving three months' notice. The Petitioner having accepted the terms of appointment and joined the duty cannot dispute about validity of the clause. The action of the Respondent/Organization is justified by giving three months' notice invoking clause 9 as per the offer and acceptance. Hence the contention of the Petitioner, invoking the provisions of the ID act is liable to be rejected. Further the allegation that depriving the livelihood of the Petitioner by replacing the Petitioner with somebody is incorrect and coined for the purpose of the present Petition. Further the decisions relied upon by the Petitioner are not applicable to the case on hand in law or on facts. Further the Hon'ble High Court of A.P. in W.P.No.7570 of 2007 clearly held that termination can be brought about by operation of the terms of the contract of employment and in such an event, it does not amount to retrenchment under Section 25-F of the Act. The Petitioner's appointment itself is irregular and contrary to rules and regulations cannot be contented that he has put in continuous service. It is to submit that the Petitioner's services are not being replaced by any other temporary employee and no recruitments have taken place in the Respondent/Organization. On the other hand, the Respondent/organization is striving hard to make sufficient funds for paying salaries to its Regular employees. Further the I.D. is not maintainable for the simple reason that the NSDRC itself was dissolved. It is to submit that this organization is a Society under the Societies Registration Act and is a research organization recognized under the R&D of the scientific institutes which carries a highly competitive design, consultancy and research activities. Hence the provisions of retrenchment are not covered. Therefore, prayed to dismiss the petition of the Petitioner.

4. Heard arguments of counsel for Respondent.

5. **On the basis of rival pleadings of both the parties following issues emerge for determination:-**

- I. Whether the action of Respondent in terminating the services of the Petitioner Workman vide order dated 24.3.2006 is legal and justified?
- II. To what relief, if any, the Petitioner is entitled to?

Findings:-

6. Point No.I: As per the claim statement, the case of the Petitioner is that he joined the service of the Respondent organization in pursuance of the appointment order dated 7.8.2000 on temporary basis for a period of 6 months at the consolidated salary of Rs.4300/-. Further, it is submitted that even after completion of 6 months, he was appointed to the post of Office Assistant Grade IV with effect from 1.1.2001 vide Head Personnel and Training letter dated 29.12.2000 in the time scale of Rs.4000. – 100- 6000. Initially, his basic pay was fixed at Rs. 4000/- per month and appointment was made on contract basis with effect from 1.1.2001. Further, the Respondent NSDRC issued another appointment letter dated 1.10.2001 changing the basic pay as a lump sum amount and the said amount includes the benefit such as Provident fund, gratuity, medical allowance, LTC, encashment of leave, dress code etc.. It was clearly mentioned in the order that he was eligible for all holidays as may be declared by NSDRC and 2.5 days leave for each of completed month of service. Further, Petitioner submits that the Respondent organization issued notice dated 24.3.2006 which was received by the Petitioner on 13.4.2006 to the effect that his services are no longer required on completion of 3 months. Assailing the said notice, the Petitioner has filed writ petition No. 11289/2006 before Hon'ble High Court and Hon'ble High Court admitted the writ petition and has passed interim orders in WPMP No.14041/ 2006 by an order dated 9.6.2006 by suspending the proceedings dated 24.3.2006. Subsequently, the Petitioner has sought for permission of the Hon'ble High Court for withdrawal of writ petition with a liberty to approach the Labour Court and challenge the order dated 24.3.2006. The Hon'ble High Court was pleased to order the same by an order dated 4.12.2006. It is submitted that subsequent to the order of the High Court, Petitioner has through his counsel got issued legal notice to the Respondents to withdraw the proceedings dated 24.3.2006 and to take back the Petitioner into service and the same was received by the Respondents but has not responded to the same. Hence questioning the order dated 24.3.2006 the present ID has been filed by the Petitioner. Further, Petitioner claims that impugned order on dated 24.3.2006 passed by Respondent is arbitrary, illegal and contrary to the provision of I.D. Act, 1947. Further, it is contended that having engaged the applicant without any stipulation/ tenure and having allowed him to continue for more than 240 days of service and serving notice of retrenchment without following the provision of section 25 F of the I.D. Act, 1947 renders the notice of retrenchment void ab initio and is liable to be ignored in the light of law laid down by the Apex Court in the case reported in AIR 1976 SC 1111 and AIR 1984,

SC 500 Further, it is submitted that he rendered continuous service of 6 years from 7.8.2000 to till date without any break and violation of Article 21 of the Constitution of India.

7. On the other hand, the Respondent in his counter has contended that the Petitioner was on contract basis and covered under the conditions of contract. Hence. The provision of retrenchment under ID Act is not attracted to the case of the Petitioner. The same has been upheld by the High Court in writ petition 7570/2007. He was removed and no recruitment have taken place in the Respondent organization. Further, it is submitted that Petitioner was appointed on contract basis subject to recruitment terms and conditions of the appointment of the Petitioner, the Petitioner's appointment itself is irregular and rules and regulations of the Appointment are governed by contractual agreement. Further, it is contended that Petitioner joined the service after acceptance of terms and conditions of the offer of appointment. Hence as per the terms and conditions of appointment by giving 3 months is totally correct and justified. Further, case law referred in this para is not applicable to the facts and circumstances of the case of the Petitioner.

8. Perused the record. Record reveals that in support of the claim statement, Petitioner has filed the statement of Chief affidavit of witness wherein witness Petitioner has reiterated the statement averred in the claim statement. But despite sufficient opportunity accorded to the Petitioner, the witness did not turn up for cross examination. Therefore, in the absence of cross examination of witness the chief statement of the witness cannot be read and admitted in evidence. It is settled law as per principle of evidence that the evidence of a witness includes both the chief statement as well as cross examination. Therefore, in the absence of cross examination, the testimony of witness WW1 is not relevant.

9. However, the Petitioner has also filed documents in evidence which goes to reveal that Petitioner was initially appointed vide letter dated 7.8.2000, by the Respondent management to engage him on temporary basis as Assistant as per appointment/contract letter the appointment was to be ceases on completion of 6 months from the date of joining. Further document, i.e., appointment letter dated 29.12.2000 was issued by the Respondent which reflects that the Petitioner was appointed on contract basis for a further period of 5 years and it was attributed in terms and conditions of the appointment letter at point (b) that, during the period of service contract either party can terminate the contract, if they so desire, by giving three months notice or pay in lieu. Further, it is stipulated therein that services of the workman will be governed by service contract only. However, Rest of the documents filed by the Petitioner on record are pertaining to payment of wages. Further, the Petitioner has also filed letter dated 23.6.2006 addressed to the Petitioner pertaining to the relieving of the Petitioner from the service of the Respondent organization with effect from 23.6.2006. Therefore, the document or record reveals that the Petitioner was engaged by the Respondent organization in its service on contract basis for stipulated term and on the expiry of the term and for the want of renewal of the contract the Petitioner was disengaged from service of the Respondent.

10. However, the Petitioner claims that his termination vide order dated 24.3.2006 is in violation of the provision of Section 25 F of the I.D. Act, 1947.

Section 25 F of the ID Act is extracted below.

Section 25F provides:-

Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

The definition of retrenchment has been given in Section 2(o) (bb) extracted below:-

Sec.2(o) provides:-

"Section 2(o) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include –

(a)

(b)

(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein"

Now, let us examine whether Petitioner's termination from service is covered under the definition of retrenchment as defined u/s.2(oo)(bb) of I.D. Act, 1947.

11. In the instant case, the termination of service of the workman from service was as a result of non-renewal of contract of employment by the Respondent and on its expiry of the term as stipulated in his appointment letter. Therefore, the termination of the Petitioner from service also not amount to retrenchment. Because the appointment letter dated 29.12.2000 contains the stipulation of term of contract of engagement for five years only and after expiry of said period the employment contract of Petitioner was ceased for want of renewal of the contract as per provision of Sec.2(oo)(bb) of I.D. Act, 1947. Hence, the termination of the Petitioner is not covered under the term retrenchment. Therefore, the claim of the Petitioner that his termination was illegal for non-compliance of the provision of section 25 F is not tenable because he is not covered under definition of retrenchment. The documentary evidence on the record clearly established that the Petitioner was engaged by the Respondent organization temporarily on contract basis for a stipulated term and on the expiry of the stipulated term, his services was ceased due to non-renewal of contract of employment.

In this context, I would like to make reference of the decision of Hon'ble Supreme Court in the case of **Kishore Chandra Samal vs. The D.M., Orissa State Cashew, AIR 200 Supreme Court 3613.**

"The facts in the aforesaid case were that, Appellant workman was working as a Typist with effect from 12.7.1982. He was appointed for a specific period on daily wage basis. On consideration of the representation for further engagement and having regard to the requirement, he was engaged again and again on daily wage basis for specific period. The last order of appointment on N.M.R. basis was issued to him on 28.4.1989. Thereafter no further extension was given. Thereafter, his service automatically ceased and it is not a case of retrenchment."

In that case Hon'ble Supreme Court have held that:-

The position of law relating to fixed appointments and the scope and ambit of Section 2(oo)(bb) and Section 25-F were examined by this Court in several cases. In Morinda Coop. Sugar Mills Ltd. v. Ram Kishan and Ors. (1995 (5) SCC 653) it was observed as follows:

"4. It would thus be clear that the Respondents were not working throughout the season. They worked during crushing seasons only. The Respondents were taken into work for the season and consequent to closure of the season, they ceased to work.

5. The question is whether such a cessation would amount to retrenchment. Since it is only a seasonal work, the Respondents cannot be said to have been retrenched in view of what is stated in clause (bb) of Section 2(oo) of the Act. Under these circumstances, we are of the opinion that the view taken by the Labour Court and the High Court is illegal. However, the appellant is directed to maintain a register for all workmen engaged during the seasons enumerated hereinbefore and when the new season starts the appellant should make a publication in neighbouring places in which the Respondents normally live and if they would report for duty, the appellant would engage them in accordance with seniority and exigency of work."

Recently, the question was examined in Batala Co- operative Sugar Mills Ltd. v. Sowaran Singh (2005 (7) Supreme 165) Section 2(oo) of the Act reads as follows:

"Section 2(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include –

(a)

(b)

(bb) termination of the service of the workman as a result of the non-removal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein"

Similarly, in the present case the Petitioner was engaged for a specific period on contract basis having regard to requirement in the Respondent Company and he was disengaged due to want of renewal of contract of appointment. Therefore, the action of the Respondent organization in terminating the services of Petitioner vide order dated 24.3.2006 is held legal and justified.

Thus, this point is answered against the Petitioner and in favour of the Respondent.

12. Point No. II: In view of the fore gone discussion and finding given at Point No.I, the Petitioner is not entitled for any relief and his petition is liable to be dismissed.

This Point is answered accordingly.

AWARD

In view of the fore gone discussion and finding given at Point No. I & II, it is held that the action of the Respondent in terminating the services of the Petitioner Sri V. Srinivasa Rao is legal and justified. Hence, the Petitioner is not entitled to any relief as prayed for and consequently petition being devoid of merit stands dismissed. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 24th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 जनवरी, 2025

का.आ. 53.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, हाईवे रोडलाइन्स प्राइवेट लिमिटेड, मरोल, अंधेरी (पूर्व), मुंबई; टर्मिनल मैनेजर, कंटेनर ऑपरेशन ऑफ इंडिया लिमिटेड, तुर्भे, नवी मुंबई, के प्रबंधन के संबंध में नियोजकों और महासचिव, परिवहन एवं डॉक वर्कर्स यूनियन, कार्नेक बंदर, मुंबई, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-2, मुंबई, पंचाट (संदर्भ संख्या Ref.no.CGIT-2/25 of 2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.01.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2024-01-आई.आर. (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 13th January, 2025

S.O. 53.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. no. CGIT-2/25 of 2019) of the **Central Government Industrial Tribunal cum Labour Court-2, Mumbai**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Highway Roadlines PVT. LTD., Marol, Andheri (E), Mumbai; The Terminal Manager, Container Operation of India LTD., Turbhe, Navi Mumbai, and The General Secretary, Transport & Dock Workers' Union, Carnac Bunder, Mumbai**, which was received along with soft copy of the award by the Central Government on 07.01.2025.

[No. L-42025/07/2024-01- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT**

SHRIKANT K. DESHPANDE

Presiding Officer

APPLICATION.REFERENCE CGIT-2/25 of 2019**EMPLOYERS IN RELATION TO THE MANAGEMENT OF****1. Highway Roadlines PVT. LTD.**

Through Director,
403, Nirma Plaza, Makwana Road,
Marol, Andheri (E),
Mumbai- 400059.

2. The Container Operation of India LTD.

Through Terminal Manager,
Central Railway Goods Shed Complex,
1st floor, Commercial Complex,
Near CWC (TAPG), Sector-20, Turbhe,
Navi Mumbai 500705.

AND

THEIR WORKMEN.

The General Secretary,
Transport & Dock Workers' Union,
P.D'Mello Road, Carnac Bunder,
Mumbai 400038.

APPEARANCES:

Party No. 1	:	No Appearance.
Party No. 2	:	Mr. A.M. Koyande & Mr. R.K. Ghadigaonkar. Representative

AWARD

(Delivered on 05-12-2024)

This is an application Reference u/s. 2A (2) of the ID Act, filed by the Second Party against the termination and sought relief of reinstatement with continuity of service with full back wages against the First Party.

2. Read joint pursis Ex-10 signed by Mr. Yuvraj R. Bhise, for whom the relief has been claimed in the present Reference.

3. It appears that, Mr. Yuvraj R. Bhise settled all disputes directly with the First Party and not interested in the matter pending before this Hon'ble Court. In support of this contention, he filed the copy of settlement dated 08.10.2021 alongwith the copy of receipt of payment made to him by cheque. It further seems that, Mr. Yuvraj R. Bhise resigned from the membership of the Transport & Dock Workers Union (the Second Party Union), therefore he wants to withdraw all his claims against the First Party therefore requested for disposal of the Reference as settled out of the court. The joint pursis has been filed on 11.02.2022. Thereafter nobody is appearing in the present Reference. It goes to show that, as the Second Party has settled the dispute with the First Party therefore not interested to proceed with the Reference.

In view of this, the Reference is disposed off as settled. No order as to costs. The proceeding is closed.

Hence, I pass the following Order-

ORDER

- i. The Reference is answered in the negative.
- ii. The Second Party is not entitled for relief as prayed.
- iii. No order as to costs.
- iv. The copy of Award be sent to the Government.

SHRIKANT K. DESHPANDE, Presiding Officer

Date: 05-12-2024

नई दिल्ली, 14 जनवरी, 2025

का.आ. 54.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डी टी एम, उत्तर रेलवे, जम्मू रेलवे स्टेशन के प्रबंधन, संबद्ध नियोजको और उनके कर्मकार श्री अर्जुन दास के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ -2 के पंचाट (50/2023) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई.आर. (बी -I) -253]

सलोनी, उप निदेशक

New Delhi, the 14th January, 2025

S.O. 54.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 50/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court Chandigarh-2** as shown in the Annexure, in the industrial dispute between the management of **The D T M, Northern Railway, Jammu Railway Station and Sh. Arjun Dass.**

[No. L-12025/01/2024- IR (B-I)-253]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

(Presided over by Mr. Kamal Kant).

ID No.50/2023

Registered on:-28.11.2023

Sh. Arjun Dass son of Shri Banarsi Dass and others, Rambagh PO Satwari, Jammu, Jammu and Kashmir-180003.

----- Applicant

Versus

The D T M, Northern Railway, Jammu Railway Station and DRM Ferozepur, the Manager V P S S R Facilities, The supervisor King Security Services, Jammu, Jammu and Kashmir-180003.

----Respondent(s)

Present:- None for Workman
None for management.

Award : 20.12.2024

Central Government vide Notification No.08 (48)/2023/RLC/Jmu Dated 07.11.2023, under sub-section 5 of Section 12 read with sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of the management of 1. M/s V P S S R Facilities, 2. M/s King Security Services in the establishment of TDM, Northern Railway, Firozpur and the DRM, Jammu Tawi, Railway Station in termination of the services of Sh. Arjun Dass son of Sh. Banarsi Dass on 11.08.2023 is just, fair and legal. If not to what relief the workman is entitled to and from which date?”

1. On the receipt of the above reference, notice was sent to the workman as well as to the respondent(s) on 28.11.2023 for 18.12.2023. But no one turned up on behalf of the parties on 18.12.2023. Notice was issued to both the parties on 18.12.2023 for 19.04.2024. However, none appeared on behalf of the parties on 19.04.2024 and the reference was adjourned to 30.07.2024. On 30.07.2024, notice was again issued to the workman for 20.12.2024 for appearance and filing claim statement. The said notice was delivered to the workman on 09.08.2024. Today also no one turned up on behalf of the workman. The workman has been given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file claim statement, which shows that the workman not interested in adjudication of the matter on merit.

2. Since the workman has neither put his appearance nor he has filed any statement of claim to prove his case against the respondent(s), as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 14 जनवरी, 2025

का.आ. 55.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रशासन कमांडर स्टेशन हेड क्वार्टर (सिविल डिफेंस) और मेसर्स ए.ए. फाउंडेशन फॉर सेफ्टी के प्रबंधन, संबद्ध नियोजकों और उनके कर्मकार श्री वीरेंद्र के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़-2 के पंचाट (151/2019) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई.आर. (बी -I) -254]

सलोनी, उप निदेशक

New Delhi, the 14th January, 2025

S.O. 55.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 151/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court Chandigarh-2** as shown in the Annexure, in the industrial dispute between the management of **Admn. Commander Station Head Quarter (Civil Defence) & M/s A. A. Foundation for Safety and Sh. Virender**.

[No. L-12025/01/2024- IR (B-I)-254]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH (PRESIDED OVER BY MR. KAMAL KANT).**

ID No.151/2019

Registered on 16.10.2019

Virender son of Shri Rammehar, R/o Village Quwi, Panipat, Haryana

----Applicant/Workman

Versus

1. Admn. Commander Station Head Quarter (Civil Defence), Chandi Mandir Cantt. Panchkula, Haryana.
2. M/s A. A. Foundation for Safety, Head Office-5919, DLF City, Face-4, Gurgaon, 122022.

----Respondents/Management

Award : 20.12.2024

Present: Sh. Rajesh Kumar, AR for Workman.

Sh. Narinder Singh, AR for Management.

1. The workman Virender has directly filed this claim petition under Section 2-A of the Industrial Dispute Act, 1947 (hereinafter called as the Act) for reinstatement in service with full back wages.
2. During the pendency of the proceedings before this Tribunal, Id. AR for workman Sh. Rajesh Kumar filed an application for withdrawal of the present claim on the ground that the workman has gone abroad. Id. AR for workman also made a statement that as per instruction received, he wishes to withdraw the matter. Id. AR for the management also gave no objection statement if the case is withdrawn by the AR for workman. The statement is recorded separately.
3. In view of the application filed by the AR for workman and statement made by AR for workman and management, the present claim deserves to be dismissed as withdrawn. Accordingly, the instant claim petition registered as ID No.151 of 2019 stands dismissed as withdrawn. File after completion be consigned to record room.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 14 जनवरी, 2025

का.आ. 56.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईएसआईसी; मेसर्स बीएल इंजीनियरिंग वर्क्स; मेसर्स उत्तर प्रदेश राजकीय निर्माण निगम के प्रबंधन के संबद्ध नियोजकों और सतीश कुमार, अखिल भारतीय मज़दूर समाज (यूपीआरएनएन) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेन्स नं.- 41/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम) -135]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 56.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 41/2019**) of the **Central Government Industrial Tribunal cum Labour Court-2, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ESIC; M/s BL Engineering Works; M/s Uttar Pradesh Rajkiya Nirman Nigam (UPRNN) and Shri Suresh** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[F. No. Z-16025/04/2024-IR(M) -135]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 41/2019

Sh. Satish Kumar, S/o Sh. Kishan Lal,

R/o- F2/180, 1st Floor, Rohini Sector- 15, Delhi-110089.

Through-Akhil Bhartiya Mazdoor Samaj,

Office-658/23, Village-Dewali,

New Delhi-110080.

Versus

- Regional Director, ESIC, Ministry of Labour & Employment,**
Govt. of India, DDA Shopping Centre Cum Office Complex,
Rajendra Place, Rajendra Nagar, New Delhi-110008.
- M/s BL Engineering Works, Govt. Contractor,**
218-A, 1st Floor, Rama Market, Pitampura, New Delhi-110034.
- M/s. The Director, Uttar Pradesh Rajkiya Nirman Nigam (UPRNN)**
Vishwasaraiya Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow,
Uttar Pradesh-226010.

Appearance:-

For Claimant- None

For Managements- None for M-1.

Ms. Jyoti Tiwari, Ld. AR for M-2.

AWARD

This is an application of U/S 2A of the Industrial Disputes Act (here in after is referred as an Act) filed by the claimant for his illegal termination. Claimant had stated in his claim statement that he had been working with the respondents since 2011 at the different post i.e. labour/ carpenter/ plumber/ operator/helper/ gardener at the last

drawn salary Rs. 16,982/- Per month. His service record is clean and he has not given any complaint so far. During the services, management had obtained his signature on blank papers and has not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, weekly and events holidays etc. When the workman demanded the same, without any rhyme or reason or without issuing any notice he was illegally terminated from his job by the management on 24.07.2017. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, he has filed the present claim.

Managements had appeared and filed their respective WS. They had denied the averment made in the claim statement. They had submitted that claim of the claimant is not maintainable and is liable to be dismissed.

After completion of the pleadings following issues have been framed vide order dated 30.08.2019 i.e. -

1. Whether the proceeding is maintainable.
2. Whether there exist any employer employee relationship between management-1 and management-2 and the claimant.
3. Whether the service of the workman illegally terminated by the management i.e. Principal employer management-1 and the contractor management-2.
4. Whether the claimant is entitled to the relief of reinstatement, back wages and other relief as claimed by him.
5. To what relief the claimant is entitled to.

Now, the matter is listed for workman evidence. He is required to file the affidavit, however, no one has appeared since long except one occasion i.e. 09.02.2023 where name of one Sh. Vinod Kumar was marked nor has any affidavit been filed yet.

In these circumstances, when the claimant is not interested in pursuing the claim. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date 27th, August, 2024

नई दिल्ली, 14 जनवरी, 2025

का.आ. 57.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स टायकून्स इंडस्ट्रीज प्राइवेट लिमिटेड; मेसर्स गोमरडीह डोलोमाइट कोयरी, टाटा स्टील लिमिटेड के प्रबंधन के संबद्ध नियोजकों और गोमरडीह वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स न.- 31/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-26011/2/2018-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 57.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 31/2018**) of the **Central Government Industrial Tribunal cum Labour Court, Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Tycoons Industries Private Limited; M/s Gomardih Dolomite Coeur, Tata Steel Limited and Gomardih Workers Union** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-26011/2/2018- IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 31/2018**Date of Passing Award – 30th September, 2024****Between :-**

1. The General Manager,
M/s. Tycoons Industries Pvt. Ltd.,
11, British Indian Street, Kolkata,
Pin Code – 700 069.

2. The Senior Manager (Mining),
M/s. Gomardih Dolomite Quarry,
Tata Steel Ltd, Post – Tunmura,
PS – Kutra, Dist. Sundargarh, Odisha.

... 1st Party-Managements.

(And)

The General Secretary,
Gomardih Workers Union,
At. Gomardih, Po. – Tunmura,
PS – Kutra, Dist. Sundargarh, Odisha

... 2nd Party-Union.

Appearances:

None.	...	For the 1 st Party-Management No. 1
Subrat Mishra,		
Advocate.	...	For the 1 st Party-Management.
Agasti Kanungo,		
Advocate.	...	For the 2 nd Party-Union.

AWARD

In the present case, a reference was received from the Under Secretary to the Government of India, Ministry of Labour & Employment, New Delhi vide order No. L-26011/2/2018 – IR(M), dated 12.04.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

“Whether the demand of the union for payment of full and final dues as per bipartite agreement with the workmen dated 15.01.2013 as against the amount paid by the management to the workmen is legal and justified? If yes, what relief the workmen (List of 103 Workmen attached) are entitled thereto?”

2. The case of the 2nd party-Union as per the Statement of Claim is as follows:-

That, 103 workmen under this reference engaged in sizing and sorting of dolomite by the Tata Steel Limited through M/s. Tycoon Industries Private Limited were working since 1995-1996 under the Management of Tata Steel Limited through several intermediaries and lastly with effect from 2005 through M/s. Tycoon Industries Private Limited. The workmen had approached to the Management on several occasions for making them regular, but the Management had not considered their request as a result the workmen were deprived of all the benefits of service conditions provided to the contractual workmen as per the provisions of the Contract Labour (Regulation & Abolition) Act. Subsequently the workmen were on agitation and strike and thereafter made a complaint before the Regional Labour Commissioner (Central) Rourkela which was reduced in a minutes of discussion and an agreement was executed on 13.10.2011 by the representatives of the workmen and intermediary, M/s. Tycoon Industries Private Limited. The workmen were also deprived of all the statutory benefits of Industrial Disputes Act, E.P.F. & M.P. Act, Bonus Act, Gratuity Act etc. and the Management of Tata Steel Limited in spite of the agreement failed to regulate the action of M/s. Tycoon Industries Private Limited. Subsequently, the Union took up the matter of the workmen as there was a long standing demand of the workmen for absorption and to declare them as regular workers of the Management-company which was refused. After that without any notice whatsoever the operation of the mining, screening was stopped with effect 25.11.2012 in connivance with the contractor, M/s. Tycoon Industries Private

Limited, as a result the dispute was raised before the R.L.C.(C), Rourkela. In the meantime the Management-company threatened and coerced some of the workers of Union representative and obtained a settlement signed on 15.01.2013 which is illegal and un- harmonious. The workmen were refused of their employment with effect from 25.11.2012 inspite of availability of work, as a result they were deprived of their livelihood. The workmen had agitated their grievance by adopting demonstration peacefully before the office of the Management-company, but the Management with the help of goons removed the peaceful demonstration of the workmen and forcibly compelled BailoKisnan, Pendo Bahala to sign the agreement with the contractor against the compensation of Rs. 50,000/- only. The agreement arrived was mischievous and only a product of threatening and coercion. The General Secretary of the Union had written a letter to the Management on 26.11.2012 and on 5.12.2012 to settle the issue. The workmen must be deemed to be a regular workmen of the Management-company and are entitled with regular pay at par with regular workmen of the company and since the work has been ceased with effect from 25.11.2012 so it is violation of statutory rules and regulations. The Management has never kept updated records for the purpose of P.F. deductions and by virtue of the orders of the P.F. Commissioner an enquiry was conducted with respect of P.F. deduction of the workmen and after enquiry a report was submitted on 31.05.2016. The payment of Rs. 50,000/- as compensation as assessed without any basis as the workmen had worked with effect from 1996 to 2012 and under M/s Tycoon Industries Private Limited with effect from 2005 to 14.11.2012. The payment of Rs. 50,000/- compensation to the workmen have been made by the Management of Gomardihi Dolomite Quarry to hide and suppress the illegalities and irregularities made by the company itself as the management of TATA Steel Limited had paid the compensation money in its office. The Management of Gomardihi Dolomite Quarry of Tata Steel Limited in connivance with M/s. Tycoon Industries Private Limited have made payment of Rs. 50,000/- to the workman by coercion and threat.

A prayer has been made for payment of consolidated compensation of Rs. 10,00,000/- to each workmen considering the length of service of the workmen and another benefits.

3. The case of the 1st Party-Management No. 1-M/s. Tycoon Industries Private Limited is as follows:-

That, the Management No. 1M/s. Tycoon Industries Private Limited is a registered company under the Companies Act and it deals with the job of screening of fines (Iron Ore) for different companies and the company got the work order dated 12.07.2010 from M/s. Tata Steel Limited on the basis of tender. The company had engaged the 2nd party-workmen for execution of the contract work and paid their legitimate wages and the contract was concluded on 24.11.2012. The workmen were under the contractual employment, so their engagement was automatically expired with the end of the contract with effect from 24.11.2012, but they were given notice to that effect before the date of closure of the contract. After closure of the contract the 2nd party-workmen resorted illegal agitation since 26.11.2012 and demanded re-engagement which was not possible on the part of the company and subsequently the illegal agitation was brought to the notice of the Regional Labour Commissioner (Central), Rourkela and conciliation proceeding started. At that time there was no Union of the workmen and as such after discussion with the representatives of the workmen and the 1st Party-Management No. 1 & 2 a settlement was arrived and the same was signed by all the parties. All the 129 workmen engaged for screening job were paid Rs. 50,000/- towards their full and final settlement for the period of their engagement in to their Bank account and the said amount was inclusive of all statutory dues as settled in the conciliation. The settlements were recorded in writing and the agreement was executed to that effect on 15.01.2013. Subsequently after more than three years of settlement the 2nd party-Union was formed and raised a dispute before the Regional Labour Commissioner (Central), Rourkela in the year 2016. After that a proceeding of conciliation started and on its failure, resulted the present reference case arose. The claim made by the 2nd party-workmen is thoroughly misconceived and contrary to the schedule of the reference. The company was a contractor employer and was executing contract work with a time bound programme as per the order of the Principal Employer, so after the end of the contract it had settled the dispute with the workmen and raising a fresh dispute after more than three years is not sustainable under the law. The workmen have accepted the compensation amount under protest is illegal and not permissible. The claim of the 2nd party-workmen that they had worked since 1995-1996 through different intermediaries, but have not been made parties to the dispute and the company is only for period of two years and not from 2005 to 2012. The 2nd party-workmen has no locus-tandi to raise and made any demand against the 1st Party-Management No. 1.

A Prayer has been made to pass an award in favour of the 1st Party-Management No. 1.

4. The case of the 1st Party-management No. 2 is as follows:-

That the Dolomite Quarry at Gomardihi is a captive mines of Tata Steel Limited and is in operation since long. Further after raising of dolomite from the quarry it is being transported to Sona Khan Railway Sliding for loading of wagons for transportation. The Management has been mechanizing the activities of mines, so there was no need to engage any worker for loading and no workers were deployed for screening. The list of workers mentioned in Sl. No. 2 to 128 with the schedule of reference are unauthorized, illegal and contrary to the notification of the appropriate government, so the names appearing from Sl. No. 2 to 128 be deleted. The Management had challenged the notification issued under the Contract Labour (Regulation & Abolition) Act, before the Hon'ble High Court of Orissa in OJC No. 9831 and the same is stayed, so there is no violation of any notification. There is no resolution by the sponsoring Union to espouse the present dispute, so the reference is not maintainable. The workers employed by the contractor are not the workers of the Management No. 2 and it has no role to play in respect of the

contract workers, so the sponsoring Union has maliciously made the Management as a party in this case. The contractor the 1st party-Management No. 1 had paid Rs. 50,000/- to the workers for implementation of the settlement signed between the employers and the Union so the Management No. 2 has no liability to pay any amount to the workers.

A prayer has been made to hold that this reference is not maintainable against the Management No. 2.

5. On the basis of the pleadings of both the parties following issues are framed.

ISSUES

1. Whether the reference is maintainable?
 2. Whether the dispute is barred by the principles of res-judicata and estoppel.
 3. Whether the demand of the union for payment of full and final dues as per bipartite agreement with the workmen dated 15.01.2013 as against the amount paid by the management to the workmen is legal and justified?
 4. What relief the workmen are entitled to?
6. In course of the proceedings, the sponsoring Union has examined two witnesses namely W.W.-1 Shri Hamiya Kumar Patel and W.W.-2 Tasil Toppo.

The sponsoring has Union proved and exhibited the following documents which are marked as exhibits:-

Ext.-1 is the photocopy of the notification dated 03.04.1993.

Ext.-2 is the photocopy of the list of workmen obtained under RTI Act vide Dy. Director Mines, letter dated 11.10.2012.

Ext.-3 is the photocopy of the minutes of discussion before R.L.C., dated 13.10.2011.

Ext.-4 is the photocopy of the agreement dated 15.01.2013.

Ext.-5 is the photocopy of the report of the Enforcement Officer dated 31.05.2016.

Ext.-6 is the photocopy of the Order of RPFC dated 14.07.2016 passed under section 7-A of the E.P.F. & M.P. Act.

7. The 1st Party-Management No. 2 has examined only one witness. He is Ganesh Mishra. The 1st Party-Management has not marked any documents.

8. The Management No. 1 M/s. Tycoon Industries Limited has filed its written statement, but thereafter he has neither examined any witness in this case nor has produced any documents in support of its case.

FINDINGS

ISSUE No. III

9. The Tribunal thinks it proper to take the Issue No. III first of all for the sake of convenience.

At the outset of the discussion it is required to mention here that it is an admitted fact that a tripartite settlement dated 15.01.2013 had been executed between M/s. Tycoons Industries Private Limited, Contractor and Contractor workers engaged by them at Gomardihi Dolomite Quarry M/s. Tata Steel Limited which is marked as Ext.-4. On perusal of Ext.-4 it appears that there are several terms and conditions are mentioned in it but the Clause 2(i) reads as follows:-

“That the Contractor’s workers engaged in screening job as per Form- B Register, shall be paid at the rate of Rs. 50,000/- (Rs. Fifty Thousand only) towards their full and final settlement for the period of their engagement with the contractor. This amount includes all statutory dues including payment in lieu of notice and ex-gratia etc. No other financial demand in lieu of their engagement in screening job or otherwise shall be payable. Their period of cessation of engagement as the Contractor’s workers shall be effective from 26th November, 2012 i.e., the date of expiry of contract of Screening job.

10. It also appears that this settlement was signed by Bailo Kisnan, Pendo Bahala Rabi Bahala, BarnadJojo as the representative of the Contractors workers and Shri Avatar Singh, Dinesh Sinha and Manoj Kumar Sharma as the representative of the Contractor. It has also signed by the witness Rimlal Joshi and S.P. Sinha. Further in the light of the aforesaid settlement Rs. 50,000/- had been transferred into the different accounts of all the concerned workmen under this reference.

11. However, it is a case of the sponsoring Union that the settlement arrived on 15.01.2013 is not a fair and it had been executed on the basis of coercion and under threat.

12. It is the case of the Management No. 1 that the settlement arrived on 15.01.2013 is full and final settlement for the period of their engagement and the same was signed by all the parties. The amount of Rs. 50,000/- was

transferred to the Bank Account of each workmen and the said amount was inclusive of all the statutory dues as settled in the conditions, so the matter was closed after the payment of the agreed amount to them.

13. Further it the case of the Management No. 2 that the Management No. 1, the contractor had paid Rs. 50,000/- to each concerned workmen to implement the settlement signed between the Union and the employer and the Management No. 2 has no role to play in this regard.

14. Now coming to the oral evidence of the sponsoring Union on this point it appears that the W.W.-1 in is evidence has categorically stated that the Management had forcibly compelled Bailo Kishnan, Pendo Bahala to come to the agreement with the contractor against the compensation of Rs. 50,000/- only so the agreement was mischievous and executed by exercising coercion and intimidation and the workers had no option except to accept the amount of Rs. 50000/- only. He has also stated that the compensation assessed at Rs. 50,000/- for a long period of years with effect from 1996 to 2012. He has further deposed that the workmen had worked without payment of minimum wages under the management of Dolomite Quarry. He has also deposed that Rs. 50,000/- had been paid by the Management No. 2 to hide and suppress the illegalities and irregularities made by the company itself in the name of "Tycoon Industries Private Limited".

In the cross examination by the Management No. 2 he has deposed that Gomardihi Workers Union is a registered Trade Union in the year 2013. He has denied the suggestion that it is not a fact that there was any settlement made between the contractor, the Management No. 2 and representative of the contractor workers in presence of the witness when parties had agreed to take for Rs. 50,000/- as full and final settlement to each workmen and accordingly Rs. 50,000/- was paid in the account of each of the workmen.

15. Further the W.W.-2 has deposed that the Management without any notice or compensation had stopped screening operation on 25.11.2012 in connivance with the contractor M/s. Tycoon Industries Private Limited. He has also deposed that on 15.01.2013 the Management through goons and criminals gheraoed Bailo Kishnan and Pando Bhala and threatened them to come to the agreement in the office of M/s. Tata Steel Company at Gomardihi and subsequently Rs. 50,000/- was paid to each individual.

In the cross examination he has deposed that at the time of settlement on 15.01.2013 the espousing Union was in existence. He denied the suggestion that on the date of execution of the settlement on 15.01.2013 there was no Union which had espoused our case. He has also denied that the settlement is lawful, legal and binding. He has also deposed that the workers representative have signed the settlement on 15.01.2013 under threat and coercion.

16. However, the M.W.-1 Shri Ganesh Mishra has deposed that the Contract with M/s. Tycoons Industries Private Limited came to an end on 24.11.2012 and accordingly the contractual employment expired on 24.11.2012 He has also stated that the contractor M/s. Tycoons Industries Pvt. Ltd had served notice to this effect before the expiry of the contract to the contract workers as no further engagement was required, but the contract workers resorted to illegal agitation from 24.11.2012. He has further stated that the illegal agitation was brought to the notice of R.L.C(C), Rourkela and a conciliation proceeding was initiated vide dispute no. 5/(60) 2912(RKL). He has further deposed that after discussion between the representative of the contract workmen and the Management of M/s. Tycoons Industries Private Limited, a settlement was arrived and signed by the parties and as per the terms of settlement dated 15.01.2013 all the 103 workmen engaged in the screening job were paid Rs. 50,000/- towards full and final settlement.

In the cross examination he has deposed that the workmen were employed under M/s. Tycoon Industries Private Limited and contract between M/s. Gomardihi Dolomite Quarry of Tata Steel Limited and M/s. Tycoon Industries Private Limited ended on 24.11.2012 as a result operation of work in the quarry was stopped. He has denied the suggestion that the agreement executed on 15.01.2013 was under force and duress.

17. Now coming to the documentary evidence it appears that the Union has proved the copy of the settlement arrived between M/s. Tycoons Industries Private Limited contractor and contract workers engaged by them at Gomardihi Dolomite Quarry which is marked as Ext.-4 and on that agreement there are signatures of Bailo Kishan, Pendo Bahala, Rabi Bahal, Bernard Jojo, Babulal, Sunil Jojo representative of the contractor workers whereas there were 103 workmen in this case. Moreover, there is nothing on record to show that other contract workers had authorized these workmen who entered into an agreement with M/s. Tycoons Industries Private Limited to sign the agreement. However, the Union had admitted that Rs. 50,000/- has been transferred to each of the 103 concerned workmen and they had not returned the same to the Management, so it is to be presumed that the workmen had accepted the money transferred in their account by M/s Tycoons Industries Private Limited but it cannot be presumed that the workmen had accepted the agreement as they are not the signatories to the agreement dated 15.01.2013. Moreover, there is consistent evidence that the Management has applied force and coercion to the representative of the contractor's workers who had signed the agreement, so the agreement arrived on 15.01.2013 in between M/s. Tycoons Industries Private Limited and the representative of the workmen is not valid and legal. Moreover, there is consistent evidence that on resort of dharana and agitation by the workmen a conciliation proceeding was initiated before the Regional Labour Commissioner (Central), Rourkela but surprisingly no proceedings has been produced by the Union or by the Management regarding the conciliation proceedings and the R.L.C.(C), Rourkela is not the

signatory to the agreement executed on 15.01.2013 by the Management No. 1 M/s. Tycoon Industries Private Limited and the representative of the contract workers. Moreover, neither the Management No. 1 nor the Management No. 2 have produced notice of termination of contract before the expiry of the contract issued to the contractors.

18. In view of the above discussion the Tribunal finds that the 1st Party-Managements had terminated the services of all 103 workmen of the 2nd Party-Union without notice which is violation of Section 25-F of the Industrial Disputes Act. Moreover, the 1st Party-management No. 1 had applied threat and coercion in execution of settlement as full and final payment as dues is not legal and justified.

19. Accordingly the Issue is answered in favour of the 2nd party-Union.

ISSUE NO. I

20. The schedule of reference has been received from the Ministry of Labour to this Tribunal on account of failure of the conciliation proceeding before the R.L.C.(C), Rourkela. The sponsoring Union Gomardihi Workers Union had raised before the R.L.C(C), Rourkela.

W.W.-1 H.K. Patel, General Secretary of Gomardihi Workers Union has deposed that in his cross examination that Gomardihi Workers Union is a registered Union in the year 2013 and it operates in the area of Gomaridhi Dolomite Quarry and only the workers working on contract basis were eligible for the membership for Gomardihi Workers Union. Now the Gomardihi Workers Union is a registered Union, so the Gomardihi Workers Union is entitled to raise a dispute before the labour machinery and on failure of conciliation proceedings the present reference has been made. Moreover, it has been held by the Tribunal that the Managements had violated the provisions of Section 25-F of the Industrial Disputes Act.

In view of such fact this reference is very much maintainable. Accordingly, this issue is decided in favour of the sponsoring Union.

ISSUE NO. II

21. It is required to mention here that it is an admitted fact that some of the workers the Management of M/s. Tycoons Industries Private Limited, Management No. 1 had entered into an agreement on dated 15.01.2013 and as per the agreement a sum of Rs. 50,000/- was transferred to the individual account of all the concerned workers.

22. At this stage it is relevant to mention here that the principle of estoppel has no role to play in this case as the workers cannot be restrained from asserting their claim or right. Here in this case an agreement arrived between the Management M/s. Tycoon Industries Private Limited on 15.01.2013 was not being represented by all the workmen, but only some of the workers had signed on the said agreement and the same have been decided as executed on the basis of force and coercion. So the principle of estoppel cannot apply at this stage and it is not relevant in this matter.

23. Now coming to the point of resjudicata it is relevant to mention here that the principle of resjudicata means any-thing or matter that has been finally decided on its merit by a Court having competent jurisdiction and not subject to litigation again between the same parties.

24. Here in this case the agreement arrived on 15.01.2013 have not been decided judicially or by the competent court of law, so the principle of res-judicata cannot be applied in this case.

25. Hence, this issue is also decided in favour of the 2nd party-Union and against the 1st Party-Management.

ISSUE NO. IV

26. At the outset of the discussion it is required to mention here that it is a case of the sponsoring Union that the concerned workmen of this case were working in the Gomardihi Dolomite Quarry since 1995 to 1996 under the Management of Tata Steel Limited through several intermediaries, but the Management No. 1 M/s. Tycoon Industries Private Limited however in the written statement has mentioned that it had issued work order dated 12.7.2010 for the job of screening and fines including other things which concluded and the work was completed on 24.12.2012. But the Management No. 1 M/s. Tycoons Industries Private Limited has not filed any documents showing that he got the contract vide order dated 12.7.2010. Moreover, the Management No. 2 Tata Steel Limited has mentioned nothing on the point of awarding contract to the Management No. 1 and has mentioned that there was no occasion to engage any workers for loading and similarly no worker was deployed for screening. Now there is contradiction in the written statement of the Management No. 1 and the Management No. 2 on the point of engagement of a contractor and the contract workers in the Dolomite Quarry for screening of fines. Since there is a contradiction in the statement over employment of contract workers in the Gomardihi Dolomite Quarry, so the statement of the Management No. 1 on its engagement from 12.07.2010 does not appear trustworthy and the statements made by the sponsoring Union relating the employment of the workmen from the year 2005 by the management No. 1 M/s. Tycoon Industries Private Limited appears to be convincing and justified. Moreover, the Ext.-6 which is an Order of the A.P.F.C. (Exemption), Rourkela by which dues of amount of Rs. 34,17,431/- has been assessed for the period 8/2005 to 3/2015 against the

Management No. 2. Gomardihi Dolomite Quarry. This order corroborates the claims of the 2nd party-Union that the workmen were working since 2005 in Gomardihi Dolomite Quarry-Management No. 2.

Hence, the Tribunal finds and holds that these workmen were employed under the Management No. 1 M/s. Tycoons Industries Private Limited with effect from the year 2005 and their services were terminated from service with effect from 25.11.2012.

27. Now it is an admitted fact that on the basis of settlement or agreement arrived between the Management no. 1 M/s. Tycoon Industries Private Limited and representatives of the workmen that Rs. 50,000/- was transferred to the Bank Account of each concerned workmen but the said agreement/settlement has been held as not valid and justified. However, the money transferred to the concerned workmen have not returned it and they have kept the same in their account.

28. After considering all the facts and circumstances of the case the Tribunal finds and holds that the concerned workmen were removed/retrrenched/terminated from service without any notice with effect from 25.11.2012 So they are entitled for the benefits under section 25-F of the Industrial Disputes Act.

29. Now the concerned workmen had worked for more than seven years under the Management no. 1 M/s. Tycoons Industries Private Limited of Gomardihi Dolomite Quarry of Tata Steel Limited, so they are entitled for compensation.

30. In view of the above discussion and considering their period of employment the Tribunal holds that all the 103 workmen of the 2nd party-Union are entitled for compensation of Rs.1,00,000/- each which includes all statutory dues including the payment in lieu of notice and other financial liabilities. However, the amount Rs. 50,000/- transferred in the account of each of the concerned workmen will be adjusted towards compensation of Rs. 1,00,000/- awarded in this case.

31. Hence, the Management No. 1. M/s. Tycoon Industries Private Limited is directed to make payment of compensation of Rs. 50,000/- out of Rs. 1,00,000/- as compensation to each of the 103 workmen of the 2nd party-Union within three months from the date of publication of the award and if the 1st Party-Management No. 1 fails to make payment to each of the 103 number of workmen within the prescribed period then each of the 103 concerned workmen are entitled to get simple interest at the rate of 6% per annum with effect from the date of passing award.

32. Moreover, if the Management No. 1, M/s. Tycoon Industries Private Limited fails to make payment to each of the 103 concerned workmen of the 2nd party- Union then the Management No. 2 M/s. Gomardihi Dolomite Quarry of Tata Steel Limited will be liable to make payment of Rs. 50,000/- as compensation out of Rs. 1,00,000/- to each of the 103 concerned workmen of the 2nd party-Union.

33. This is the award of the Tribunal.

34. Office is directed to send the copy of the Award to the appropriate government for publishing in the official gazette notification.

35. Case record be consigned to record room.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 14 जनवरी, 2025

का.आ. 58.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स टायकून्स इंडस्ट्रीज प्राइवेट लिमिटेड; मेसर्स गोमरडीह डोलोमाइट कोयरी, टाटा स्टील लिमिटेड के प्रबंधन के संबंध में नियोजकों और गोमरडीह वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेंस नं.- 37/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-26011/3/2018- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 58.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 37/2018**) of the **Central Government Industrial Tribunal**

cum Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Tycoons Industries Private Limited; M/s Gomardih Dolomite Coeur, Tata Steel Limited** and **Gomardih Workers Union** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-26011/3/2018– IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-LabourCourt,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 37/2018

Date of Passing Award – 30th September, 2024

Between :-

1. The General Manager,
M/s. Tycoons Industries Pvt. Ltd.,
11, British Indian Street, Kolkata,
Pin Code – 700 069.
2. The Senior Manager (Mining),
M/s. Gomardih Dolomite Quarry,
Tata Steel Ltd, Post – Tunmura,
PS – Kutra, Dist. Sundargarh, Odisha.

... 1st Party-Managements.

(And)

The General Secretary,
Gomardih Workers Union,
At. Gomardih, Po. – Tunmura,
PS – Kutra, Dist. Sundargarh, Odisha

... 2nd Party-Union.

Appearances:

None	...	For the 1 st Party-Management No. 1
Mr. Subrat Mishra,		
Advocate.	...	For the 1 st Party-Management No. 2
Mr. Agasti Kanungo,		
Advocate.	...	For the 2 nd Party-Union.

AWARD

In the present case, a reference was received from the Under Secretary to the Government of India, Ministry of Labour & Employment, New Delhi vide order No. L-26011/3/2018 – IR(M), dated 06.07.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

“Whether the alleged demand of the Gomardih Workers Union vide letter dated 19.02.2016 for the payment of final dues to 128 workmen (S. No. 2 to 129) in the Union representation dated 19.2.2016), and their subsequent re-employment under the management of M/s. Tycoon Industries Pvt. Ltd., is fair, legal and

justified? If yes, what relief the above mentioned workmen are entitled thereto? What directions, if any, are necessary in this regard?"

2. The case of the 2nd party-Union as per the Statement of Claim is as follows:-

That, the workmen from Sl. No. 2 to 129 (total 128 workers) were engaged by the Tata Steel Limited since last 20 to 30 years by different intermediaries, and were lastly engaged through M/s. Tycoons Industries Private Ltd. Further, during the aforesaid period only the intermediary changed but the workers remained same. These workmen were engaged in the mining unit for transportation, bolder, breaking, plant operation, blasting and also in railway siding and maintenance work. In the year 1994 the Management Company formulated VRS Scheme and in the year 1995, Early Separation Scheme introduced and eliminated the regular workmen against the appointment of intermediaries and adopted Contract Labour (Regulation & Abolition) Act, 1970. In spite of prohibition of Contract Labour by virtue of the notification, the management Company adopted the policy of engaging those workmen through intermediaries. Further the concerned workers had been reporting to duties but they were not getting their salaries since, April, 2013 and therefore the Union wrote letter to the Management with copy to the R.L.C., Rourkela. After that the Management company not only has threatened the workers with their goons but adopted divide & rule policy by giving engagement to some of the leading members of the Union and engaged fresh workers in violation of Section 25-H of the I.D. Act. Although these workmen were discharging their duties all along and reported for duties they were refused of their engagement with effect from April, 2013 without any notice or compensation. After refusal of employment of these workers with effect from April, 2013 some of the workers engaged along with these workers of the Union and some new and fresh workers had been engaged with effect from July, 2015 in violation of the Industrial policy and law. Thereafter agitations by the workmen were made for to give medical benefits and other statutory benefits as provided under the Act including 20% Bonus etc., which had been reduced in writing by a minutes of discussion on dated 13.10.2011 before the R.L.C.(C), Rourkela, but the same had not been considered. The Management was in the habit of cheating the workers and never maintained the up-to-date records for all purposes. The Management-company was also not regular in P.F. deduction till 2012 for which on the orders of the P.F. Commissioner an enquiry was made with regard to P.F. deduction of the workers of the Union. The Enquiry Officer had submitted a report which reveals violation and mischief of the Management of the Tata Steel Limited in connivance with the intermediaries. The management of Tata Steel Limited has never regulated the intermarries at any point of time and violated the statutory provisions of the I.D. Act. The Management has also not taken notice of the refusal of employment with effect from April 2013 nor any notice was given to the workmen by M/s. Tycoons Industries Limited for settlement of the dues nor any settlement amount was paid to the workers. These workers were the victims of the unfair labour practice adopted by the management of Tata Steel. Limited. Though these workers are skilled and they were working since long period their statutory dues including wages with effect from April 2013 till 30.03.2015 had not been paid.

A prayer has been made for payment of consolidated compensation of Rs. 20,00,000/- to each of workmen considering length of service of the workman and another benefits.

3. The case of the 1st Party-Management No. 1-M/s. Tycoon Industries Private Limited is as follows:-

That, the Management No. 1 M/s. Tycoon Industries Private Limited is a registered company under the Companies Act and it deals with various kinds of job including the job of wagon loading at Railway siding. It had submitted tender for loading of wagons of railway sidings on the basis of notice issued by the Management No. 2 M/s. Tata Steel Limited and it had been selected for work of wagon loading and railway sliding vide order dated 12.07.2010. After that the company had engaged the workmen and paid their legitimate wages and the work of loading was going smoothly, but the workmen engaged in screening of iron ore work resorted to illegal demonstration during April 2010. Subsequently these workmen joined the agitation and sat on dharana resulting in hampering of wagon loading and subsequently the work of wagon loading was stopped for a long time which again resumed during February, 2014. After resumption of job of wagon loading other workmen joined their work except these workmen. Subsequently by this process the contract work of wagon loading was completed by 30.03.2015 and all the workmen were paid their legitimate wages. After closure of the contract between the Company-Management No. 1 and the Management No. 2 these workmen resorted to illegal agitation demanding their re-engagement which was not possible as the contract has already closed. Therefore, the illegal agitation was brought to the notice of the Regional Labour Commissioner (Central), Rourkela and a conciliation proceeding was started. But the conciliation did not succeed and consequently the dispute was referred to this Tribunal.

That, the claim made by the disputant workmen is thoroughly misconceived and contrary to the schedule of the reference and the demand is not at all maintainable. After, the period of contract was over the had settled everything with the workers, so the present dispute for payment of compensation against the Management No. 1 is not maintainable. The company has no knowledge about the length of engagement of the workmen and the workmen were engaged only for the year 2012 after receipt of the work order from the Principal Employer (Management No. 2) and they worked till April, 2013. After that they resorted to illegal agitation along with the screening workers and did not work inspite of repeated appeal. The 1st Party-Management No. 1 has followed all the labour laws in a very meticulous manner and has paid all the statutory dues to the workmen. Further after the contract

period was over the company had no source to engage the workmen and the claim statement is contradictory to the reference. Further, the workmen/Union has no locus-tandi to raise and make any demand against the 1st Party-Management No. 2.

A prayer has been made to pass an award in favour of the 1st Party-Management No. 1.

4. The case of the 1st Party-management No. 2 is as follows:-

That the Dolomite Quarry at Gomardihi is a captive mines of Tata Steel Limited and is in operation since long. Further, after raising of dolomite from the quarry, it was being transported to Sonakhan Railway Siding for loading of wagons for transportation. It had been mechanizing the activities of mines, so there was no need to engage any workers for loading and no workers were deployed for screening. The list of workers mentioned in Sl. No. 2 to 128 with the schedule of reference are unauthorized, illegal and contrary to the notification of the appropriate government, so the names appearing from Sl. No. 2 to 128 be deleted. It had challenged the notification issued under the Contract Labour (Regulation & Abolition) Act, before the Hon'ble High Court of Orissa in OJC No. 9831 and the same was stayed, so there is no violation of any notification. There was no resolution by the sponsoring Union to espouse the present dispute, so the reference is not maintainable. The workers employed by the contractor were not the workers of it and it has no role to play in respect of the contract workers, so the sponsoring Union has maliciously made the Management No. 2 as a party in this case. The contractor, the 1st Party-Management No. 1 had paid Rs. 50,000/- to the workers for implementation of the settlement signed between the employers and the Union so it has no liability to pay any amount to the workers.

A prayer has been made to hold that this reference is not maintainable against the Management No. 2.

5. The 2nd party-Union has filed rejoinder and has denied all the averments made in the written statement filed by both the Management no. 1 and 2.

6. On the basis of the pleadings of both the parties following issues are framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the dispute is barred by the principles of res-judicata and estoppel?
3. Whether the alleged demand of the Gomardih Workers Union vide letter dated 19.02.2016 for the payment of final dues to 128 workmen (S. No. 2 to 129 in the Union representation dated 19.02.2016), and their subsequent re-employment under the management of M/s. Tycoon Industries Pvt. Ltd., is fair, legal and justified?
4. What relief the above mentioned workmen are entitled to?
5. What directions, if any, are necessary in this regard?
7. In course of the proceedings, the sponsoring Union has examined two witnesses namely W.W.-1 Shri Hamiya Kumar Patel and W.W.-2 Sri Loius Majhi.
8. The sponsoring Union has proved and exhibited he following documents which are marked as exhibits.
 - Ext.-1 is the copy of the notification dated 03.04.1993.
 - Ext.-2 is the copy of the list of workmen obtained under the RTI Act.
 - Ext.-3 is the copy of the minutes of discussion before the R.L.C. dated 13.10.2011.
 - Ext.-4 is the copy of the letter dated 14.10.2013 of the Union to the Management.
 - Ext.-5 is the copy of the list of 18 workers irrespective of seniority has been retained.
 - Ext.-6 is the copy of the report of the Enforcement Officer, dated 31.05.2016.
 - Ext.-7 is the copy of the Award dated 12.07.2016.
 - Ext.-8 is the copy of the extract of Union Gomardihi Workers Union register.
 - Ext.-9 is the copy of the Union registration certificate.
 - Ext.-10 is the copy of the P.F. slips
 - Ext.-11 is the copy of the order passed by the Hon'ble High Court of Orissa in O.J.C. No. 9831/1993,
9. The 1st Party-management No. 2 has examined only one witness. He is Ganesh Mishra. The 1st Party-management has not marked/proved any documents.

10. The Management No. 1 M/s. Tycoon Industries Limited has filed its written statement, but thereafter he has neither examined any witness in this case nor has produced any documents in support of its case.

FINDINGS

11. The most important issue in this reference is Issue No. III, so the Tribunal thinks it proper to discuss this issue first of all for the sake of convenience.

ISSUE NO. III

12. It is the case of the 2nd Party-Union that all together 128 workers were engaged by the Management No. 1 for mining, bolder breaking, blasting for loading of wagons at railway siding for last 22 to 30 years under different contractors, and the last contract was the Management no. 1, but they were refused of their engagement with effect from April, 2013 without any notice or compensation in contravention of the provisions of the Industrial Disputes Act. It is further case of the 2nd Party-Union that the concerned workmen were not paid their statutory dues or settlement dues or final settlement payment. It is the case of the 2nd Party-Union that some of the workmen and fresh workmen were engaged by the Management No. 1 and 2 in violation of the Industrial Disputes Act so the workmen are entitled for grant of compensation of Rs. 20 lakhs to each workmen considering their length of service and date of attaining the age of superannuation.

13. However, it is the case of the 1st Party-Management No. 1 that these workmen were engaged after getting contract and work order on dated 12.10.2010 for the job of wagon loading at railway siding and they were paid their legitimate wages, but they resorted agitation along with the workers engaged in the screening work and stopped discharging their duties. It is also the case of the 1st Party-Management No. 1 that on resumption of work during February, 2014 all other workmen joined their duties except these workmen. It is the further case of the Management No. 1 is that the contract ended on 30.03.2015, so the contract was closed and all the workmen were paid their legitimate dues.

14. Moreover, it is the case of the 1st Party-Management No. 2 that the workmen were not its employees and there is no “employer and employee” relationship between the Management No. 2 and the present workmen and the Management No. 2 has no role to play in this regard.

15. Now the Tribunal will examine the oral evidence on this point. It appears that the most competent witness in this case is W.W.-1 Shri Himiya Kumar Patel. He has categorically deposed that all the workmen were engaged by the intermediary contractors since 1995-96 and lastly through M/s. Tycoon Industries Private Limited for transportation, bolder breaking, plant operation and other workers. He has also stated that these workers were not given any statutory benefits even under the Contract Labour Act and the Employees Provide Fund and M.P. Act, but all the workmen were refused employment with effect from 1.4.2013 without any notice or compensation as provided under the law so the retrenchment of the workmen since April, 2013 without any notice by the Management No. 1 is illegal. He has also deposed that the workmen are entitled to statutory dues and for this act the Management No. 2 is also liable to make payment of all the statutory benefits and thereof. He has also deposed that each workmen are entitled to compensation of Rs. 20 lakhs only. He has proved documents which are marked as Ext.-1 to Ext.-7.

In the cross examination by the Management No. 2 he has deposed that it is not a fact that being a dismissed employee he is not competent to espouse the cause in representing the Union as its General Secretary. He has also deposed that he has no knowledge that the concerned workmen had joined the agitation/dharana resorted by the screening workers of the Management No. 1-company and the work at the railway siding was resumed in the year 2014, but the concerned workmen of this case had not joined the duties. He has also deposed that he has no knowledge that the contract for the work of loading was completed by 30.03.2015. He has also deposed that it is not a fact that the concerned workmen of this case had not raised any dispute before the Rourkela for their reinstatement and the Management No. 1 M/s. Tycoons Industries Private Limited in response to the notice had submitted its replies. He had also denied the suggestion that it is not a fact the payment of claim of Rs. 20 lakhs to each of the workmen of this case is not a subject matter of the dispute as well as terms of the reference. He has also denied the suggestion that the claim towards compensation, reinstatement, negligence in depriving of all statutory benefits etc. was not as per the terms of the reference. He has also denied the suggestion that the workmen had voluntarily abandoned the job for the year 2013. He had also denied that it is not a fact that the Gomardihi Dolomite Mazdoor Union is not a registered Union.

16. The Workman Witness No. 2 Louis Majhi in his examination in chief has totally supported and corroborated the evidence of W.W.-1 regarding the engagement of these workmen by the Management No. 1 M/s. Tycoons Industries Private Limited and their retrenchment with effect from April, 2013 without any statutory notice or compensation. He has deposed that each workmen are entitled to compensation of Rs. 20 lakhs each. In the cross examination he has proved certain documents which are marked as Ext.-8 to Ext.-11.

In the cross examination by the Management No. 2 he has denied the suggestion that in support of demonstration restored by screening workers he and other workmen of this case sat on dharana. He has also deposed

that he had other workmen were disengaged after April, 2013 and subsequently they were not paid their wages. He has also denied that all the legitimate dues were paid by the Management No. 1 to the workmen and it is a case of voluntary abandonment.

17. Coming to the documentary evidence it appears that Ext.-1 is the copy of the notification dated 03.04.1993, Ext.-2 is the copy of the list of workmen obtained under the RTI Act, Ext.-3 is the copy of the minutes of discussion before the R.L.C., dated 13.10.2011, Ext.-4 is the copy of the letter dated 14.10.2013 of the Union to the Management, Ext.-5 is the copy of the list of 18 workers irrespective of seniority have been retained, Ext.-6 is the copy of the report of the Enforcement officer, dated 31.05.2016, Ext.-7 is the copy of the Order dated 12.07.2016 passed by A.P.F.C. Rourkela under section 7-A of the E.P.F. & M.P. Act. Ext.-8 is the extract copy of the Gomardihi Workers Union register, Ext.-9 is the copy of the Gomardihi Workers Registration Certificate and Ext.-10 is the P.F. slips of different workers. Ext.-11 is the certified copy of the order passed by the Hon'ble High Court of Orissa in O.J.C. No. 9831/1993.

18. However, the M.W.-1 Sri Ganesh Mishra adducing on behalf of the Management No. 2 has deposed that the 1st Party-Management No. 1 M/s. Tycoons Industries Private Limited was a contractor establishment of Gomardihi Dolomite Quarry of Tata Steel and it dealt with various kinds of job including the job of wagon loading at railway siding in pursuance of tender call notice by the order on 12.07.2010 for the job of wagon loading at railway siding. He has also deposed that the 1st Party-Management No. 1 had engaged the workmen and paid them their legitimate wages and all statutory payments. He has further deposed that the other contract workmen engaged in screening of iron ore work had resorted to illegal dharana during April, 2013 and these workmen joined their dharana in support resulting stoppage of loading for long period which resumed during February, 2014. He has stated that all the workmen had joined their duties, but these workmen did not join their duties and in the meantime the contract for the work of wagon loading was completed by 30.03.2015 and all workmen were paid their legitimate dues as per their entitlement. He has also deposed that the reengagement of these workmen was not possible as the contract had already been closed.

In the cross examination he has deposed that he cannot say the name of the contractor who was engaged by the Gomardihi Dolomite Quarry after termination of contractor M/s. Tycoon Industries Private Limited. He has further deposed that the Gomardihi Dolomite Quarry had not refused employment of the workers of this case and at present he is not aware with regard to the decision passed by the P.F. Commissioner, Rourkela in P.F. matters. He has also denied the suggestion that M/s. Tycoons Industries Private Limited was awarded the contract work with effect from 28.05.2005 to 31.03.2015. He has also denied the suggestion that the management of Gomardihi Dolomite Quarry had followed all the rules and regulations and mining regulations and other rules.

19. The Management No. 1 M/s. Tycoons Industries Private Limited has not examined any witness in support of its case.

20. Now after carefully analysing of oral and documentary evidence of both the parties there is convincing evidence that the workmen of this reference case were engaged by the Management No. 1 M/s. Tycoons Industries Private Limited, contractor of the Management No. 2. M/s. Gomardihi Dolomite Quarry of Tata Steel Limited for transportation and loading of wagon of railway siding. Further there is consistent evidence that these concerned workmen were working under the Management No. 1 till April, 2013.

21. Now the question arises whether these concerned workmen had voluntarily abandoned their job or they were disengaged by the Management No. 1?

22. In this regard the W.W.-1 and W.W.-2 have categorically deposed that the concerned workmen were not engaged after April, 2013 by the Management No. 1, whereas, there is an evidence of Management Witness No. 1 of the Management No. 2 that these workmen had sat on dharana/demonstration in support of the screening workers resulting stoppage of loading of wagons and after resumption of work these workmen did not join their duties. Moreover, it is also the evidence of the Management Witness No. 1 that some of the workers had joined their duties but these workers had refused to join the work.

23. At this stage it is required to mention here that the evidence of M.W.-1 does not seem to be convincing that these concerned workmen had not joined their duties whereas other worker had joined duties because if some workers who were working with these workmen had joined their duties, there was no reason or cause that these workmen would not had joined their duties. Moreover, no reasons have been assigned by the Management no. 1 and Management No. 2 regarding non-joining of duties by these concerned workmen.

24. In absence of any reason of non-joining of duties by these workmen, the Tribunal finds that in the guise of non-joining of duties of the workmen the Management No. 1 had disengaged the concerned workmen from duties from April, 2013. Merely deposing that these workmen did not join their duties since April, 2013 is not sufficient and the Management has to state the reason of non-joining into their duties as well as their non-engagement.

25. In view of the above discussion, it appears that the Management No. 1 M/s. Tycoon Industries Private Limited a contractor of Gomardihi Dolomite Quarry of Tata Steel Limited had disengaged the concerned workmen of

this case totalling 128 workmen without any notice or compensation with effect from April, 2013 which amounts to violation of 25-F of the Industrial Disputes Act.

26. At this stage it is required to mention here that in the schedule of reference received from the Ministry of Labour & Employment it is mentioned about subsequent re-employment of workmen under the Management of M/s. Tycoon Industries Pvt.Ltd., is fair, legal and justified. In this regard it is important to mention here that the sponsoring Union have not made any prayer in their statement of claim regarding re-employment of the concerned workmen under the 1st Party-Management No. 1 and the Management No. 2. Further W.W.-1 and W.W.-2 in their evidence have not made any claim of re-employment of the concerned workmen under the management of M/s. Tycoon Industries Pvt. Ltd.

27. In view of the above discussions the demand of the 2nd party-Union for subsequent re-employment of these workmen under the Management No. 1 M/s. Tycoon Industries Private Limited is not fair, legal and justified.

28. Hence, this Issue is decided partly in favour of the 2nd party-Union and partly in favour of the 1st Party-Managements.

ISSUE NO. I

29. The Government of India in exercise of the powers conferred under section 2 of the I.D. Act referred the present schedule of reference for adjudication and after going through the records, documents available before the Tribunal it amply reveals that as there is a complete violation of Section 25- F of the I.D. Act while disengaging the workers of the 2nd Party-Union by the Management without any notice or compensation and as such the present reference is maintainable.

30. Hence, this issue is answered in favour of the 2nd Party-Union and against the 1st Party-Managements.

ISSUE NO. II

31. At this stage it is relevant to mention here that the principle of estoppel has no role to play in this case as the workers of the 2nd Party-Union cannot be restrained from asserting their claim or right.

32. Moreover, it is required to mention here that the principle of resjudicata means any-thing or matter that has been finally decided on its merit by a Court having competent jurisdiction and not subject to litigation again between the same parties.

Now, in this reference case there is nothing on record to show that any matter of the case has been decided by any competent court.

33. Hence, this issue is answered in favour of the 2nd Party-Union and against the 1st Party-Managements.

ISSUE NO. IV & V

34. It is a case of the sponsoring Union that the concerned workmen of this case were working in the Gomardihi Dolomite Quarry of since 1995 to 1996 under the Management of Tata Steel Limited through several intermediaries, but the Management No. 1 M/s. Tycoon Industries Private Limited in the written statement has mentioned that it had issued work order dated 12.7.2010 for the job of wagon loading at Railway siding which was completed by 30.05.2015. But the Management No. 1 M/s. Tycoons Industries Private Limited has not filed any documents showing that he got the contract vide order dated 12.7.2010. Moreover, the Management No. 2 Tata Steel Limited has mentioned nothing in its written statement on the point of awarding contract to the Management No. 1 and has mentioned that there was no occasion to engage any workers for loading and similarly no worker was deployed for loading and transportation.

Now there is contradiction in the written statement of the Management No. 1 and the Management No. 2 on the point of engagement of a contractor and the contract workers in the Gomardihi Dolomite Quarry for the job of wagon loading at Railway siding. Since there is a contradiction in the statement over employment of contract workers in the Gomardihi Dolomite Quarry by the Management No. 2 and Management No. 1, so the statement of the Management No. 1 on engagement of concerned workmen from 12.07.2010 does not appear trustworthy and the statements made by the sponsoring Union relating to the employment of the workmen from the year 2005 by the Management No. 1 M/s. Tycoon Industries Private Limited appears to be convincing and justified. Moreover, the Ext.- 7 which is an Order of the A.P.F.C. (Exemption), Rourkela by which dues of amount of Rs. 34,17,431/- has been assessed for the period 8/2005 to 3/2015 against the Management No. 2. Gomardihi Dolomite Quarry. This order corroborates the claims of the 2nd Party-Union that the workmen were working since 2005 in Gomardihi Dolomite Quarry-Management No. 2.

35. In view of the above discussion it is decided that these workmen were employed under the Management No. 1 M/s. Tycoons Industries Private Limited with effect from the year 2005 and their services were terminated since April, 2013.

36. After considering all the facts and circumstances of the case the Tribunal finds and holds that the concerned workmen were removed/retrrenched from service without any notice since April, 2013 So they are entitled for the benefits under section 25-F of the Industrial Disputes Act. Now the concerned workmen have worked for more than seven years under the Management no. 1 M/s. Tycoons Industries Private Limited, so they are entitled for the compensation of Rs. 1,00,000/- each which includes all statutory dues including the payment in lieu of notice and other financial liabilities.

37. Hence, the Management No. 1. M/s. Tycoon Industries Private Limited is directed to make payment of compensation of Rs. 1,00,000/- as compensation to each of the 128 workmen of the 2nd Party-Union within three months from the date of publication of the award and if the 1st Party-Management No. 1 fails to make payment to each of the 128 number of workmen within the prescribed period then each of the 128 concerned workmen are entitled to get simple interest at the rate of 6% per annum with effect from the date of passing award.

38. Moreover, if the Management No. 1, M/s. Tycoon Industries Private Limited fails to make payment to each of the 128 concerned workmen of the 2nd party-Union then the Management No. 2 M/s. Gomardihi Dolomite Quarry of Tata Steel Limited will be liable to make payment Rs. 1,00,000/- to each of the 128 concerned workmen of the 2nd party-Union.

39. This is the award of the Tribunal.

40. Office is directed to send the copy of the Award to the appropriate government for publishing in the official gazette notification.

41. Case record be consigned to record room.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 14 जनवरी, 2025

का.आ. 59.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्री के. सेशा किरण के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.- 65/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-17012/50/2013-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 59.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 65/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri K. Sessa Kiran** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-17012/50/2013-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 5th day of November, 2024

INDUSTRIAL DISPUTE No. 65/2014

Between:

Sri. K. Sessa Kiran,

S/o Veeraju, SC Colony,

Badampudi, Unguturu (M)

West Godavari Distt.-534411.

.....Petitioner

AND

1. The Sr. Divisional Manager
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry-
2. The Branch Manager,
LIC of India, Tadepalligudem Branch,
Tadepalligudem, E.G. Distt.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Smt. Tehara, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/50/2013-IR(M) dated 07.05.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removed from service of Sri K. Sessa Kiran, Ex-Temp. Class-IV LIC of India, Tadepalligudem Branch w.e.f. 28.01.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 65/2014 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of service of notice through registered post, petitioner did not file claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 5th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 जनवरी, 2025

का.आ. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री वाई. माधवी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेंस नं.- 62/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-17012/33/2013-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 60.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 62/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri Y. Madhavi** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-17012/33/2013-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 5th day of November, 2024

INDUSTRIAL DISPUTE No. 62/2014

Between:

Y. Madhavi

D/o Sanjeevaiah

D.No. 13-22-11,

Padmaslivai Street

Guntur-522265.

.....Petitioner

AND

1. The Branch Manager,
LIC of India,
Repalle Branch, Guntur Dist.
2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Kennedy Road, Machilipatnam.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Smt. Tehara, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/33/2013-IR(M) dated 31.03.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removed from service of Sri Y. Madhavi, Ex-Temp. Class-IV LIC of India, Repalle Branch w.e.f. 28.01.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 62/2014 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of service of notice through registered post, petitioner did not file claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 5th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 जनवरी, 2025

का.आ. 61.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स रवि सूर्या इंजीनियरिंग एसोसिएट्स; मेसर्स एचपीसीएल एलपीजी प्लांट के प्रबंधन के संबद्ध नियोजकों और श्री जी. वीरबाबू के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.- 58/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-30012/23/2019-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 61.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 58/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Ravi Surya Engineering Associates; M/s HPCL LPG Plant** and **Shri G. Veerababu** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-30012/23/2019-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 17th day of December, 2024

INDUSTRIAL DISPUTE No. 58/2019

Between:

Sri G. Veerababu,

S/o Sh. Bangarayya,

1-491, Post-Jambavapatnam,

Korukonda-533289.

.....Petitioner

AND

1. M/s Ravi Surya Engineering Associates,
Road No. 23, Flat No. 266, Ground Floor,
Sardar Patel Nagar, Hyderabad-500072.
2. The Plant Manager,
M/s HPCL LPG Plant, Rajahmundry.

... Respondents

Appearances:

For the Petitioner : Shri Y. Ranjeeth Reddy, Advocate

For the Respondent: Shri P. Sudhir Rao, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-30012/23/2019 (IR(M)) dated 21.06.2019 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Ravi Surya Engineering Associates & M/s HPCL and their workmen. The reference is,

SCHEDULE

“Whether termination of the services of Sri G. Veera Babu w.e.f. 21.09.2018 by M/s Ravi Surya Engineering Associates, sub-contractor under Transporter whom HPCL LPG Plant, Rajamundry awarded contracts for transporting the filled LPG Cylinders from Rajhamundry LPG Bottling Plant to the Dealers’ place and empty cylinders from Dealers’ place to the plant is just, fair and legal? If not, what relief Sri. G. Veera Babu is entitled to and from which date? What other directions, if any, are necessary in the matter?”

The reference is numbered in this Tribunal as I.D. No. 58/2019 and notices were issued to the parties concerned.

2. After filing claim statement Petitioner remained absent. Despite sufficient opportunity accorded to him, the Petitioner did not adduce any evidence to substantiate his claim. Perused the record. Since the Petitioner has not substantiated his claim by any evidence, therefore, a ‘No-claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 17th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 जनवरी, 2025

का.आ. 62.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स मनचेरिअल सीमेंट कंपनी प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और तेलंगाना सीमेंट वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स

न.- 33/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-29011/04/2022-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 62.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 33/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Mancherial Cement Company Private Limited** and **Telangana Cement Workers Union** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-29011/04/2022-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26th day of December, 2024

INDUSTRIAL DISPUTE No. 33/2022

Between:

The General Secretary,
Telangana Cement Workers Union,
Qr. No. F-33 C & D, M.C.C. Colony,
Mancherial Cement Works,
Dist.- Mancherial-504208.

.....Petitioner

AND

The General Manager,
M/s Mancherial Cement Co. Pvt. Limited,
Mancherial-504208.

... Respondents

Appearances:

For the Petitioner : Shri T. Koteswara Rao, Advocate

For the Respondent: Shri K. Shiva Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-29011/04/2022-IR(M) dated 08.02.2022 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Mancherial Cement Co. Pvt. Ltd. and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Mancherial Cement Company Pvt. Ltd. to Layoff All workers without adhering to the provisions under chapter VB of the Industrial Dispute Act, 1947 is justified or not? If not, what relief the workmen are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 33/2022 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of sufficient notice and opportunity, petitioner did not file claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 26th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 जनवरी, 2025

का.आ. 63.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स मनचेरिअल सीमेंट कंपनी प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और तेलंगाना सीमेंट वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 32/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-29011/03/2022- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 63.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 32/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Mancheria Cement Company Private Limited** and **Telangana Cement Workers Union** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-29011/03/2022-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26th day of December, 2024

INDUSTRIAL DISPUTE No. 32/2022

Between:

The General Secretary,
Telangana Cement Workers Union,
Qr. No. F-33 C & D, M.C.C. Colony,
Mancheria Cement Works,
Dist.- Mancheria-504208.

.....Petitioner

AND

The General Manager,
M/s Mancherial Cement Co. Pvt. Limited,
Mancherial-504208.

... Respondents

Appearances:

For the Petitioner : Shri T. Koteswara Rao, Advocate

For the Respondent: Shri K. Shiva Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-29011/03/2022-IR(M) dated 08.02.2022 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Mancherial Cement Co. Pvt. Ltd. and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Mancherial Cement Company Pvt. Ltd. to retrench 08 workers without adhering to the provisions under chapter VB of the Industrial Disputes Act, 1947 is justified or not? If not, what relief the workmen are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 32/2022 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of sufficient notice and opportunity, petitioner did not file claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 26th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 जनवरी, 2025

का.आ. 64.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एंड जयपुर (अब भारतीय स्टेट बैंक) के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकार श्री डी. आर. अरोड़ा के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ -2 के पंचाट (177/2011) प्रकाशित करती है।

[सं. एल-12012/78/2010-आईआर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 14th January, 2025

S.O. 64.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 177/2011) of the *Central Government Industrial Tribunal-cum-Labour Court Chandigarh-2* as shown in the Annexure, in the industrial dispute between the management of **State Bank of Bikaner & Jaipur (now State Bank of India)** and **Sh. D.R. Arora**.

[No. L-12012/78/2010-IR(B-I)]

SALONI, Dy. Director

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

(Presided over by Mr. Kamal Kant).

ID No.177/2011

Registered on 08.06.2011

Sh. D.R. Arora son of Shri Ram Pal Arora, R/o H.No.154, Vishal Nagar, Pakhowal Road,
 Ludhiana-141002

----Workmen

Versus

State Bank of Bikaner & Jaipur, Regional Office, SCO No.106-108, Sector 17-D, Chandigarh,
 through its Assistant General Manager IV. (now State Bank of India) Respondents/Employer

Award : 27.11.2024

Present: Sh. D. R. Arora, Workmen in person.

Sh. O. P. Batra, Ld. Counsel for Management.

Central Government vide notification no.L-12012/78/2010 (IR(B-I)) dated 23.05.2011, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 (hereinafter called as the Act), has referred the following Industrial Dispute for adjudication to this Tribunal:-

“Whether the action of the management of State Bank of Bikaner and Jaipur, Regional Office, Chandigarh in removing Shri D. R. Arora, Ex-SWO from service w.e.f. 16.09.2009 is legal and justified? To what relief the workman is entitled?”

1. Both the parties were served with the notice. Workman filed statement of claim with averments that he was appointed in the respondent bank on 29.10.1985 as Cashier-cum-Clerk after qualifying the written test and interview and was posted as Single Window Operator in the clerical scale and was getting pay and allowances under Desai Award read with Bipartite Settlement as amended from time to time.
2. During the visit of Deputy General manager, Delhi and Assistant General Manager, Chandigarh in the branch office of the appellant, he brought to the notice of the aforesaid authorities the malpractice of accommodating the customers illegally and accepting their huge amounts of cheques in clearing which cheques were returned by the payee bank unpaid and subsequently again cheques were accepted and lodged in clearing to adjust the overdraft. In this way, the workman brought irregularities being committed by the bank to the higher authorities. Subsequently, Chief Manager of the Branch office issued a letter dated 14.08.2006 to the workman (W-1) and workman has submitted his reply on 17.08.2006. Again workman wrote a letter dated 10.01.2007 (W-2) to the Managing Director of the Bank at Head Office, Jaipur along with list of transactions of cheques which have been illegally authorized by the respondent bank.
3. Due to pointing out the malpractice in the bank, workman was not posted as Head Cashier in the Branch Office, though he was senior most in the clerical cadre. Thereafter, the workman was appointed as Presiding Officer in Polling Booth No.16 under Representation of Peoples Act, 1951 for election duty. It is further maintained that the persons appointed on poll duties cannot be transferred by the Parent Department of the concerned employees as per Representation of Peoples Act, 1951 as the employees on poll duty are under the direct control and Superintendence of the Election Commission. Polling was to take place on 13.02.2007, however to harass the workman, he was sent to Bahadurgarh vide order dated 07.02.2007. So it was not possible for the workman to come from Bahadurgarh for election duty and he made a representation to the District Election Officer vide letter dated 09.02.2007. The order of sending the workman on deputation was stayed by the District Election Officer cum Returning Officer vide order dated 09.02.2007. Due to which the Chief Manager got upset from the complainant.
4. It is further maintained that the Chief Manager by exercising his influence on the Assistant General Manager, put Workman under suspension vide order dated 06.03.2007 (W-11). The workman challenged his suspension order dated 06.03.2007 before the Hon'ble Civil Court, Ludhiana by way of Civil Suit No.55 dated 10.03.2007. The suit was decreed on 14.09.2010 and the suspension order was declared null and void and was set aside. The workman represented in the Head Office against the illegal action of Chief Manager on 13.03.2007. Workman was served upon by a charge sheet on 18.04.2007 and the workman has replied the charge-sheet on many fold grounds as mentioned in the para 14 of the claim. The workman gave reply to the charge-sheet vide reply dated 20.04.2007, and without considering the reply and charge sheet, Sh. MK Mondal was appointed as Enquiry Officer and Sh. S. S. Patwal was appointed as Presenting Officer vide order dated 01.05.2007 without supplying the copy of the order to workman.

5. It is maintained that the Enquiry Officer remained partial throughout the enquiry and workman was not paid subsistence allowance. Therefore he moved an application before the Enquiry Officer for allowing him subsistence allowance. Therefore, it was not incumbent upon the workman to participate the inquiry proceedings at Faridabad as he was not being paid subsistence allowances. His enquiry was fixed deliberately at Faridabad and not at Ludhiana. In these circumstances, workman filed a complaint before the Assistant Labour Commissioner (C) Kendriya Sadan, Sector 9, Chandigarh on 19.05.2007 and due to intervention of ALC, he was paid subsistence allowance.

6. The whole enquiry was held in illegal manner and workman submitted various protest letters. The enquiry officer remained vindictive and biased towards the workman in spite of the request of the workman without giving any opportunity to appoint defence representative. During the course of enquiry, enquiry officer fixed venue of enquiry at different places including Faridabad, Gurgaon and Delhi. Meanwhile, workman was compelled to file a complaint to the Police-authority and F.I.R. dated 28.02.2008 was lodged against the enquiry officer. It is also alleged that workman wanted to place on record the list of witnesses and documents in his defence but enquiry officer arbitrarily and without assigning any reason, did not take the same on record rather conducted the enquiry under the pressure of the management, passing the order ex parte without information of the date and venue of the proceeding dated 17.03.2019. It is also alleged that workman was not given any opportunity to cross-examine of the witnesses examined by the management-bank and without considering the written brief of the workman dated 28.05.2008, enquiry officer submitted its report (W-28) dated 31.07.2008. Enquiry officer did not take any decision and denied the request of the workman for setting aside the ex parte order and giving reasonable opportunity resulting great prejudice to the workman. The management-bank issued show cause notice, which was replied on 15.11.2008 and the workman was appeared for personal hearing on 24.11.2008, explaining and clearing his position that he has been harassed due to complaint made by him against the Chief Manager. In spite of the settled position of Bipartite Settlement enquiry proceeding have been held and without considering the same the penalty of removal from banks-service has been ordered vide letter dated 16.09.2009.

7. Notice was given to the respondent, who filed reply thereof. It is stated that the workman was charge-sheeted vide charge-sheet dated 18.04.2007 and the enquiry officer held the charges to be proved. The workman could not be allowed to turn around and feign ignorance of his acts owing to his greed and disregard of banking. Suspension was held legal by the Learned Additional District Judge, Ludhiana vide judgment dated 14.10.2011. The workman made false allegation regarding malpractice being done by the bank officials and the workman was asked to prove the same. It has been proved in the enquiry that it was the workman who misbehaved with the customers of the bank. It is denied that the workman was harassed by the bank. The departmental enquiry held after following the procedure established by law. Dates of hearing were duly intimated to the workman. It is not the discretion of the workman to decide the venue of the inquiry. The inquiry was held properly at Faridabad due to administrative reasons. The workman participated in the enquiry and was given full opportunity to defend his case. The order of his removal was passed after following due procedure.

8. In order to prove his claim on fairness of inquiry, workman himself appeared and filed his affidavit Ex.A1 and also tendered into documents Ex.W1 to W32. On the other hand, no evidence was held by the Respondent on fairness of enquiry, and vide order dated 17.07.2019, the then presiding Officer Sh. A K Singh held that management has failed to prove enquiry proceedings and enquiry report against the workman. Resultantly, the domestic enquiry conducted against the workman was held to be vitiated.

9. Thereafter, management was given opportunity to prove its case and Sh. Rajiv Malhotra (Assistant Manager) MW1 and Sh. Ramji Lal Raigar (Chief Manager, Credit & NPA) MW2/A were examined by the management on 17.12.2019. On 15.03.2021, workman filed his affidavit and was cross examined on 17.09.2021. Thereafter, in additional evidence of management, it examined Sh. Suraj Pandey as MW3 on 22.05.2024 and the management closed its evidence.

10. I have heard the arguments of both the parties.

11. While arguing the case, Sh. D R Arora contended that charge-sheet was served upon him on 18.04.2007 and he was served upon charge-sheet as he was a whistle blower and raised fraudulent transactions in the branch of bank at Ludhiana. Instead of taking action against the wrong doers, the management retaliated against him and branch manager even asked him vide letter dated 14.08.2006 (W1) to elaborate his allegation, to which he replied on 17.08.2006 (W-1A) providing details of malpractice being done by the manager and others in the branch and it triggered vindictive campaign against him and thereupon he was served upon charge sheet dated 18.04.2007 (Annexure W/14) and charges stated therein were totally irrelevant and nothing to do with his duty assigned to him. He was put under suspension on 06.03.2007 without any charge-sheet or inquiry, in direct violation of the principles of natural justice and his subsistence allowance was with-held for over six months and with the intervention of the Assistant Labour Commissioner (Central), Chandigarh, the bank released partial subsistence allowance. He also filed reply to the charge-sheet on 26.04.2007, but his interim reply was ignored and thereafter Sh. M K Mondal was appointed as Enquiry Officer, who conducted the enquiry against him without adhering to the procedure and thereafter submitted false enquiry report against the workman and vide order dated 16.09.2009, Sh. Kumud Sharma, Assistant General Manager notified disciplinary authority removed the services of him. He also file appeal against the

order dated 16.09.2009 and appeal was also dismissed by the appellate authority. He further contended that even this Tribunal vide order dated 17.07.2009 ruled the enquiry initiated due to various deficiencies, which shows that the management acted inappropriately. He could notionally be reinstated with back-wages and other allowances be allowed with immediate effect.

12. On the other hand, Id. counsel for the respondent contended that workman was removed from service on 16.09.2009 after holding full enquiry. Appellant filed case before the ALC, Chandigarh and thereafter due to failing of conciliation proceedings, reference was made to this Tribunal on 23.05.2011. It is further stated that the workman has admitted charge-sheet as is clear from MW3/1. To support his view, he also relied upon the Judgment of Hon'ble Supreme Court in the case of Surjeet Singh Bhamra versus Bank of India and Others. He also contended that there was no necessity for holding enquiry against the workman in view of the confession of the workman and prayed that the case be dismissed.

13. It is settled position of law that if the Industrial Tribunal has come to the conclusion that domestic enquiry is illegal because it was conducted against the principle of natural justice against the workman, respondent-bank is under legal obligation to prove the misconduct/charges against the charged employee before the Tribunal in order to prove the charges against the charge-sheeted workman. It is also fairly settled that in any industrial dispute, the respondent-bank is required to prove the charges on preponderance of probability and not on proof beyond reasonable doubt. Reference may be made of the judgment of Supreme Court in the case of Union of India Vs. Sardar Bahadur (1974)4 SCC 618, R.S. Singh Vs. State of Punjab and Other(1999)8 SCC page 90, State Bank of India Vs. Narender Kumar Pandey, Civil Appeal No.263/2013 dated 14.01.2013.

14. It is also a settled principle of law as laid down by the Hon'ble Supreme Court in the case of Neeta Kaplish Vs. Presiding Officer, Labour Court, arising from Appeal(Civil) 6079 of 1998, decided on 04.12.1998, that record pertaining to the domestic enquiry would not constitute fresh evidence and the management is required to prove its case on fresh evidence. The Hon'ble Supreme Court has held as follow:-

"The record pertaining to the domestic enquiry would not constitute "fresh evidence as those proceedings have already been found by the Labour Court to be defective. Such record would also not constitute "material on record", as contended by the counsel for the respondent, within the meaning of Section 11-A as the enquiry proceedings, on being found to be bad, have to be ignored altogether. The proceedings of the domestic enquiry could be, and, were, in fact, relied upon by the management for the limited purpose of showing at the preliminary stage that the action taken against the appellant was just and proper and that full opportunity of hearing was given to her in consonance with the principles of natural justice. This contention has not been accepted by the Labour Court and the enquiry has held to be bad. In view of the nature of objections raised by the appellant, the record of enquiry held by the management ceased to be "material on record" within the meaning of Section 11-A of the Act and the only course open to the management was to justify its action by leading fresh evidence as required by the Labour Court. If such evidence has not been led, the management has to suffer the consequences.

Thus, the proposition of law which emerges from the judgment of Hon'ble Supreme Court is crystal clear and management has to prove the charges on the basis of fresh evidence.

15. In this case, in order to prove charge against the workman, bank has not examined the enquiry officer as witness in this court as is clear despite of the fact that my Learned predecessor Sh. A K Singh has pointed out in his order dated 17.07.2019, which is as follow :-

10.It is pertinent to mention here that so as to prove enquiry proceeding and enquiry report before this Tribunal and to rebut the specific allegations of the workman as aforesaid, the management has not examined the enquiry officer M.K. Mondal or any other person who was associated with the domestic enquiry. To my mind, non-examination of the enquiry officer or any other official, who was associated with the enquiry proceeding is fatal to the case of the management. So far as proving of enquiry report and its proceedings is concerned, depriving the workman to defend his case with the documentary evidence and proceeding enquiry without informing the date of enquiry held on 17.03.2008 amounts to violation of principles of natural justice.

11. To this view, I am fortified by the decision of Hon'ble High Court of Delhi in the case of Kangra Co-operative Bank Ltd. Vs. M/s Seema Sharma (W.P.(Civil)No.10740/2017, decided on 17.01.2018 wherein it has been observed in Para 9 as under:-

"The petitioner has not examined the Enquire Officer or any of its employees as a witness in the Court to prove the enquiry proceedings and report and only chose to examine MW1 H.R. Thakur Presenting Officer to prove the same. Mr. H.R. Thakur was not an independent witness to appear in the Court and to prove the enquiry proceedings against the respondent. The Presiding (sic. Presenting) Officer is not expected to become a persecutor. He is a biased witness. Therefore, the Industrial Adjudicator has rightly adjudicated the issue that the petitioner has failed to prove the enquiry proceedings and Enquiry Report against the respondent."

16. In this case, bank in order to prove charges against the workman has examined three witnesses. First is Ramji Lal Raigar (Chief Manager, Credit and NPA), who stated that he has produced documents P1 to P6 before the Enquiry Officer during the course of enquiry. He also stated that full opportunity was given to the workman during the enquiry proceedings. It is added here that the said witness has only produced documents before the Enquiry Officer, how he has deposed that full opportunity was given to the workman is not at all understandable when he has only produced documents before the Enquiry Officer.

17. The other witness examined by the bank is Sh. Rajiv Malhotra (Assistant Manager, DSH Ludhiana), who deposed that the workman was working in the Inward Cleaning Counter and on that day, one Sh. K R Meena (Deputy Manager) has passed some instructions to the workman on behalf of the Chief Manager. He also stated that the Chief Manager advised to said K R Meena to issue a letter to the workman, but the workman refused to acknowledge the letter. He also stated that the workman used abusive language against Sh. S K Khanna (Chief Manager). Surprisingly, in this case, Sh. S K Khanna (Chief Manager), who was allegedly victim of the workman, nor Sh. K R Meena, who passed the instruction to the workman, has been examined by the Bank. Moreover, his deposition is only about one charge as against the many charges framed against the workman. Thus, he is unable to substantiate the charges leveled against the workman.

Not only this, one Sh. Suraj Pandey (Manager, HR) has been examined by the bank to prove allegation against the workman. He has stated that a letter dated 07.02.2007 was written by the workman, admitting all the charges leveled against him. Surprisingly, this letter was never put up to the workman during his examination in the court and even in his cross examination, this witness has stated that he joined the bank on 15.12.2010, he cannot tell to whom the letter dated 07.02.2007 was given and also failed to tell whether the letter dated 07.02.2007 was presented in the domestic enquiry or not. Thus it is clear that the said witness was not present when the said letter was allegedly given by the workman to any authority. Moreover, the said letter was not at all put to the workman, when he appeared in the witness box as WW1 after holding enquiry vitiated by my Learned Predecessor on 17.07.2019. Further, the said letter was not produced in domestic enquiry. It is added here that in this case, workman vide Ex.W/11 dated 18.04.2007 has been chargesheeted on various grounds as mentioned therein. The said charges are about 6 in numbers, which are as follow:-

- a. (i) from 15.01.07 you were 1 assigned the duties of inward clearing counter at Madhopuri chowk, Ludhiana branch . The Banks Book of instruction vide para 46, Chapter 20 requires that staff member should remain cautious towards providing prompt services with politeness, since a slight negligence, if observed by any one may prove to be harmful not only to staff concerned but also to the image of the institution. Chapter 1, para 13 (iv)1(i) of Bank Book of Instruction suggests that where specific cases of misbehavior are found, strict action should be taken, It is alleged that you indulged in misbehaving with the customers of the Bank while discharging the duties assigned to you. The customers of the above branch namely Shri Sanjiv Jain of M/s India Garments, Gulshan Ahuja of Ganga Knit Pvt. Ltd. Shri Mukesh Jain of unit Fabric etc. have complained against you about our misbehavior with them,
- b. Chapter I, para 13 (iv) 1 (h) of Bank Book of Instructions suggests firm action should be taken against those who slow down work and impair productivity with a view to building up pressure on the management for various reasons. (a) On 06.02.2007, due to Prime Minister visit at Ludhiana leading to major traffic disruptions, due to tight security, the messenger bringing clearing returns from DSC Ludhiana branch could reach MC Ludhiana branch at 02:35 PM. You refused to accept the cleaning returns on the plea that floppy disk has already been prepared and no further amendments I could be made therein. You also spoke the above messenger to go back to the branch and return all the instruments through counter return although there was sufficient time to enlist the same in the branch clearing returns the normal course, When the Chief Manager of the MC Ludhiana branch instructed you to do the needful in the matter, you took the aforesaid returned instruments to clearing house without entering in the floppy thus you disobeyed the lawful instructions of the Chief Manager. (b) On 07.02.2007 you posted only SB and CD cheques and left the DD paid vouchers un-posted and went to the clearing house. On your return from the clearing house the Dy. Manager (Accounts) Shri K. R. Meena asked you to post the DD paid vouchers but you did not post the same and thus disobeyed the lawful instructions of your superiors. On this you were issued a letter No. 283 on 07/02/2007 instructing you to post he DD paid vouchers as the same was in your duty as per office order dated 15/01/2007 but you refused to accept the letter served through peon and started misbehaving with the Chief Manager and other officers of the branch in the banking hall in the presence of others. You made the following derogatory remarks against the Chief Manager:-

Khanne, Tu Kya Chiz h, tere jaise kai chief manager dekhe h. M teri shikayat MD se krunga. Is branch me khan ya to tu rhega ya m rahunga. M tujhe frsh pr lark chodunga. M to nokri se jaunga pr tujhe bhi nokri nahi krne dunga.

- c. On 07.02.2007, you were relieved at the close of the banking hours and advised in writing to proceed to Banks Bahadurgarh Branch and report to the branch manager thereat on 08.02.2007 and thereafter report on 09.02.2007 at Ludhiana for election duty. You refused to accept the above letter of your relieving and uttered following derogatory remarks against the Chief Manager of MC Ludhiana Branch:

Ja m ye letter nahi leta. Tumhe jo krna h krle. M bhi tumhe dekh lunga. Maine teri shikayat MD se kr di h (showing his mobile towards the chief manager). Vh teri aisi ki taisi kr dega.

- d. Para (viii), Chapter 1 of BBI requires that an employee of the Bank may not engage in any other commercial business or pursuit either on his own account or as agent for another or others Para 3 of Chapter 1 specify that an employee guilty of infringing any of the provisions of paragraph 2 will render himself liable to dismissal from the service. It is observed that you allegedly diverted the business of mutual fund/insurance etc. to your wife Smt. Usha Arora (ARN-10822) and daughter Miss Priyanka (ARN-2511). The earning of the branch from the cross selling business during the period from 01.04.2006 to 31.12.2006 does not appear to be commensurate with expenditure incurred by the Branch on your salary, perks and conveyance expenses paid to you during the aforesaid period.
- e. You mad wrongful and unauthorized complaint against the Chief Manager of MC Ludhiana branch to the Returning Officer -57 (North) Vidhan Sabha Constituency, Ludhiana thereby alleging that the Chief Manager of MC Ludhiana branch forced you to proceed to Banks Bahadurgarh Branch on deputation on 07.02.2017 instead of relieving you for election duties. You deliberately ignored to advise full details of your relieving instructions to the Returning Officer-57 (north) Vidhan Sabha Constituency, Ludhiana who in turn made a complaint to our Managing Director vide his letter No. Memo No. Election/075Spl2 on 09.02.2007 to instruct the Chief Manager of above said branch to relieve you for election duties. You deliberately concealed the fact that you were instructed by the Chief Manager of MC Ludhiana branch on 07.02.2007 to report to the Returning Officer -57 (North) Vidhan Sabha Constituency Ludhiana. This has tarnished the image of the Bank in the eyes of the Government Authorities.
- f. Para 9 of Chapter 1 of Bank Book of instructions specifies that at branches, who desire to appeal on any matter to higher authority that their branch manager/ chief manager/ assistant general manager refuses or neglects to forward an appeal may it be preferred to the controlling authority direct. It is alleged that to create a nuisance to your Chief Manager, you made a complaint in writing directly to the Managing Director of our bank, thereby violating the aforesaid established operative guidelines.

18. At the cost of repetition, it is added here that in view of the **Neeta Kaplish vs Presiding Officer (Supra)**, the only course open to the management was to justify its action by leading fresh evidence as required by the Labour Court and it is further pointed out here that management failed to substantiate charges against the workman and even has not examined the material witnesses i.e. Enquiry Officer Sh. M K Mondal, Chief Manager Sh. S K Khanna and Deputy Manager Sh. K R Meena and has failed to substantiate its charges as stated above. Moreover in the findings given on 17.07.2019 by my Learned Predecessor, who has held inquiry vitiated in para 8 and 9 of the order has held as follow:-

8. As mentioned above, it is a specific case of the workman that being the whistleblower regarding the illegal practice going on in the bank with the connivance of the Chief Manager of the Branch but nothing is on record to show whether any action has been taken regarding the complaint made by the workman against the working of the bank regarding the cheque and overdrafts of the some customers. Going through the proceeding held by the enquiry officer I am of the opinion that conduct of the enquiry officer was not upto the mark resulting the dispute between workman and enquiry officer and subsequent F.I.R lodged against the enquiry officer under Section 325 IPC. It is also pertinent to mention that in spite of the several letters regarding the changing of the enquiry officer, management did not bother to genuine grievances of the workman during the enquiry proceeding and payment of subsistence allowance and travelling allowance for the attending the different dates of enquiry on different venue by the enquiry officer against the rules and regulations of the Bipartite Settlement.

9. The workman has filed the registered envelop along with notice dated 15.03.2008 and order dated 17.03.2008 which reveals that enquiry officer had fixed the venue at DGM Secretary Zonal Office, Vishal Nagar Road, New Rajinder Nagar, New Delhi on 17.03.2008 and information was sent to the workman through registered post on 19.03.2008 along with order of proceeding dated 17.03.2008. It is important to mention that both the letters were sent through speed post on 19.03.2008. Enquiry proceeding dated 17.03.2008 is the date on which workman could not attend the proceeding at Headquarter of the bank due to non-information and enquiry officer not only proceeded the enquiry ex parte but also examined Star Witness MW1 S.K. Khanna, Chief Manager in the absence of the workman and other witnesses. This conduct of the enquiry officer is glaring example of conducting the enquiry in unfair and biased manner under the pressure of management as alleged by the workman. It is also clear that in spite of the letter sent by the workman for setting aside the

ex parte order and opportunity for cross-examination the management witness, the enquiry officer did not care to give a reasonable opportunity and conduct the enquiry in unfair manner indicating the gross misuse of the power of the enquiry officer.

Reading of aforesaid paras made it clear that no proper opportunity was given to the workman and the enquiry was held against the principle of natural justice. Thus, dismissal of workman is liable to be set aside. It is set aside accordingly.

19. Now, next question arise what benefits the workman is entitled when dismissal order dated 16.09.2009 is set aside.

20. The Hon'ble Supreme Court in the case titled as **"Deepali Gundu Surwase v. Kranti Junion Adhyapak Mahavidyalaya" reported as (2013) 10 SCC 324** has held as under:-

"The propositions which can be culled out from the aforementioned judgments are:

- i) ***In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.***
- ii) ***The aforesaid rule is subject to the rider that while deciding the issue of back wages the adjudicating authority or Court may take into consideration the nature of job and misconduct if any found proved against the employee/workman the financial condition of the employer and similar other factors.***
- iii) ***Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments."***

21. The Hon'ble Punjab & Haryana High Court while referring different judgments of Hon'ble Supreme Court including **Deepali Gundu Surwase(supra)**, and **Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited (1979) 2 SCC 80** as well as in the case of **Tapash Kumar Paul Vs. BSNL,(2014) 15 SCC 313, Surender Kumar Verma Vs. Central Government Industrial Tribunal-cum-Labour Court,(1980) 4 SCC 443,** has observed that there cannot be a straight jacket formula for awarding relief of back wages along with all the relevant benefits. More or less, it can be address to the discussion of the Tribunal with full back wages could be the normal rule and the party objecting to it must establish. The circumstances insisting the departure at this stage, the Tribunal while exercises its consideration keeping in view of the relevant circumstances but the discretion must be exercises judiciously must be cogent and convincing and must be appear on the face on record. When it is within the discussion of the authority that something has to be done according to the rules, reasons and justice is not according to law and not he humour it is not arbitrary, vague but legal and regular.

22. So far as the facts and evidence of the case is concerned, nothing has been stated in the claim petition and affidavit with respect to the post employment after alleged dismissal period by the workman. Thus, the facts in the claim petition lacks the basic requirement for providing full back wages. No doubt, this Tribunal has got power to mould a relief or cover it. The incidental relief for the consequences rendered by illegal dismissal of the workman.

23. In these circumstances, where workman has superannuated on 31.10.2019, therefore workman is entitled for 50% back wages from the date of dismissal of the workman upto the date of superannuation with all retiral benefits under the relevant rules. Any payment made to the workman during this period shall be adjusted in the amount to be paid to the workman. The management-bank is directed to pay the aforesaid benefits to the workman within 2 months from the publication of the award.

24. The reference is answered accordingly. Let copy of the award be sent to the Central Government for publication as required under Section 17(1) of the Act.

KAMAL KANT, Presiding Officer

नई दिल्ली, 14 जनवरी, 2025

का.आ. 65.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री के. एस. फनी कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 68/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. एल-17012/57/2013-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 65.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 68/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri K. S. Phani Kumar** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. L-17012/57/2013-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 5th day of November, 2024

INDUSTRIAL DISPUTE No. 68/2014

Between:

Sri. K.S. Phani Kumar

S/o Panduranga Rao,

D.No. 52-4-3, Someswara Agraharam,

Palkol-534260

.....Petitioner

AND

The Branch Manager,

LIC of India,

Palkol Branch, Palkol-534260.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Smt. Tehara, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/57/2013-IR(M) dated 21.04.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removed from service of Sri K.S. Phani Kumar, Ex-Temp. Class-IV LIC of India, Palkol Branch w.e.f. 28.01.2013 is legal and justified? If not, what other relief the workman is entitled to?

The reference is numbered in this Tribunal as I.D. No. 80/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite providing sufficient opportunity, petitioner did not file claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 5th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 14 जनवरी, 2025

का.आ. 66.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री एन. यानाधि के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं.- 80/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 14.01.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th January, 2025

S.O. 66.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 80/2018**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri N. Yanadhi** which was received along with soft copy of the award by the Central Government on 14.01.2025.

[No. Z-16025/04/2025-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 5th day of November, 2024

INDUSTRIAL DISPUTE No. 80/2018

Between:

Sri. N. Yanadhi,
D.No. 7-1-270, Siddavatam Road,
Gandhi Nagar, Badvel,
YSR Kadapa district
Andra Pradesh.

.....Petitioner

AND

1. The Branch Manager,
LIC of India,
Kadapa District, Andhra Pradesh.
2. The Zonal Manager,
LIC of India, Post Box No.10,
College Road, Kadapa-516004.

... Respondents

Appearances:

For the Petitioner : Shri Y. Ranjeeth Reddy, Advocate

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its order No.7/27/2019-B1 dated 28.08.2019 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

1. Whether the appointment of Sri. N. Yanadhi as Temporary Sub Staff in LIC of India Divisional Office, Kadapa w.e.f. April 2005 is in accordance with the Rules and Regulations of the LIC of India or not?
2. Whether the action of the management of LIC of India in terminating the services of Sri N. Yanadhi Sub Staff w.e.f. 31.01.2013 is legal, proper and justified or not? If not, to what relief he is entitled to?
3. Whether Sri N.Yanadhi has completed 240 days of service or not to get relief under the Industrial Disputes Act, 1947?

The reference is numbered in this Tribunal as I.D. No. 80/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite providing sufficient opportunity, petitioner did not filed claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 5th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL